

Reserve



# ILLINOIS REGISTER

## Rules of Governmental Agencies

### TABLE OF CONTENTS

#### PROPOSED RULES

	Page
COMMERCE COMMISSION, ILLINOIS Uniform System of Accounts for Telecommunications Carriers; 83 Ill. Adm. Code 710 . . . .	19563
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS Mortgage Credit Certificates; 47 Ill. Adm. Code 360 . . . . .	19603
PUBLIC AID, DEPARTMENT OF Medical Payment; 89 Ill. Adm. Code 140 . . . . .	19613
SECRETARY OF STATE Cancellation, Revocation & Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040 . . .	19636
Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010 . . . . .	19642
Remittance Agents; 92 Ill. Adm. Code 1019 . . . . .	19652

#### ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS Energy Assistance; 83 Ill. Adm. Code 281 . . . . .	19664
COMMUNITY COLLEGE BOARD, ILLINOIS Administration of the Ill. Public Community College Act; 23 Ill. Adm. Code 1501 . . . . .	19691
INSURANCE, DEPARTMENT OF Mid-Term Cancellations; 50 Ill. Adm. Code 940 . . . . .	19699
PUBLIC AID, DEPARTMENT OF Medical Assistance Programs; 89 Ill. Adm. Code 120 . . . . .	19704
Medical Payment; 89 Ill. Adm. Code 140 . . . . .	19734
SECRETARY OF STATE Commercial Driver Training Schools; 92 Ill. Adm. Code 1060 . . . . .	19756
Issuance of Licenses; 92 Ill. Adm. Code 1030 . . . . .	19777

#### AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

COMMUNITY COLLEGE BOARD, ILLINOIS Administration of the Ill. Public Community College Act; 23 Ill. Adm. Code 1501, Refusal . . .	19784
---	-------

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received . . . . .	19785
-----------------------------------	-------

#### EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS	
88-518 — Winter Storm Preparedness Week . . . . .	19786
88-519 — WBBM's Wreath of Hope Days . . . . .	19787
88-520 — CBN/Operation Blessing Day . . . . .	19788
88-521 — Essence Week . . . . .	19789
88-522 — Salutes Anthony Vacco . . . . .	19790
88-523 — American Independence Heritage Month . . . . .	19791
88-524 — St. Jude/WFYR Day . . . . .	19792
88-525 — Craniofacial Anomalies Day . . . . .	19793
88-526 — Italian American War Veterans Day . . . . .	19794

#### CUMULATIVE INDEX

1988 Index — Issue #1 thru Issue #48 . . . . .	CI-1
--	------

#### SECTIONS AFFECTED INDEX

1988 Index — Issue #1 thru Issue #47 . . . . .	SAI-1
1988 Index — Issue #48 . . . . .	SAI-88

JIM EDGAR  
Secretary of State

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or preemptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1988

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Dec. 23, 1987	Dec. 30, 1987	2	Jan. 8, 1988	July 5, 1988	July 12, 1988	30	July 22, 1988
Dec. 30, 1987	Jan. 5, 1988	3	Jan. 15, 1988	July 12, 1988	July 19, 1988	31	July 29, 1988
Jan. 5, 1988	Jan. 12, 1988	4	Jan. 22, 1988	July 19, 1988	July 26, 1988	32	Aug. 5, 1988
Jan. 12, 1988	Jan. 19, 1988	5	Jan. 29, 1988	July 26, 1988	Aug. 2, 1988	33	Aug. 12, 1988
Jan. 19, 1988	Jan. 26, 1988	6	Feb. 5, 1988	Aug. 2, 1988	Aug. 9, 1988	34	Aug. 19, 1988
Jan. 26, 1988	Feb. 2, 1988	7	Feb. 16, 1988 (Tues.)	Aug. 9, 1988	Aug. 16, 1988	35	Aug. 26, 1988
Feb. 2, 1988	Feb. 9, 1988	8	Feb. 19, 1988	Aug. 16, 1988	Aug. 23, 1988	36	Sept. 2, 1988
Feb. 9, 1988	Feb. 16, 1988	9	Feb. 26, 1988	Aug. 23, 1988	Aug. 30, 1988	37	Sept. 9, 1988
Feb. 16, 1988	Feb. 23, 1988	10	Mar. 4, 1988	Aug. 30, 1988	Sept. 6, 1988	38	Sept. 16, 1988
Feb. 23, 1988	Mar. 1, 1988	11	Mar. 11, 1988	Sept. 6, 1988	Sept. 13, 1988	39	Sept. 23, 1988
Mar. 1, 1988	Mar. 8, 1988	12	Mar. 18, 1988	Sept. 13, 1988	Sept. 20, 1988	40	Sept. 30, 1988
Mar. 8, 1988	Mar. 15, 1988	13	Mar. 25, 1988	Sept. 20, 1988	Sept. 27, 1988	41	Oct. 7, 1988
Mar. 15, 1988	Mar. 22, 1988	14	Apr. 1, 1988	Sept. 27, 1988	Oct. 4, 1988	42	Oct. 14, 1988
Mar. 22, 1988	Mar. 29, 1988	15	Apr. 8, 1988	Oct. 4, 1988	Oct. 11, 1988	43	Oct. 21, 1988
Mar. 29, 1988	Apr. 5, 1988	16	Apr. 15, 1988	Oct. 11, 1988	Oct. 18, 1988	44	Oct. 28, 1988
Apr. 5, 1988	Apr. 12, 1988	17	Apr. 22, 1988	Oct. 18, 1988	Oct. 25, 1988	45	Nov. 4, 1988
Apr. 12, 1988	Apr. 19, 1988	18	Apr. 29, 1988	Oct. 25, 1988	Nov. 1, 1988	46	Nov. 14, 1988 (Mon.)
Apr. 19, 1988	Apr. 26, 1988	19	May 6, 1988	Nov. 1, 1988	Nov. 8, 1988	47	Nov. 18, 1988
Apr. 26, 1988	May 3, 1988	20	May 13, 1988	Nov. 8, 1988	Nov. 15, 1988	48	Nov. 28, 1988 (Mon.)
May 3, 1988	May 10, 1988	21	May 20, 1988	Nov. 15, 1988	Nov. 22, 1988	49	Dec. 2, 1988
May 10, 1988	May 17, 1988	22	May 27, 1988	Nov. 22, 1988	Nov. 29, 1988	50	Dec. 9, 1988
May 17, 1988	May 24, 1988	23	June 3, 1988	Nov. 29, 1988	Dec. 6, 1988	51	Dec. 16, 1988
May 24, 1988	May 31, 1988	24	June 10, 1988	Dec. 6, 1988	Dec. 13, 1988	52	Dec. 23, 1988
May 31, 1988	June 7, 1988	25	June 17, 1988	Dec. 13, 1988	Dec. 20, 1988	53	Dec. 30, 1988
June 7, 1988	June 14, 1988	26	June 24, 1988	Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989
June 14, 1988	June 21, 1988	27	July 1, 1988	Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989
June 21, 1988	June 28, 1988	28	July 8, 1988				

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Uniform System of Accounts for Telecommunications Carriers

2) Code Citation: 83 Ill. Adm. Code 710

3) Section Numbers:

Proposed Action:

710.100	New Section
710.105	New Section
710.110	New Section
710.115	New Section
710.120	New Section
710.125	New Section
710.130	New Section
710.135	New Section
710.140	New Section
710.145	New Section
710.150	New Section
710.155	New Section
710.160	New Section
710.165	New Section
710.170	New Section
710.175	New Section
710.180	New Section
710.185	New Section
710.190	New Section
710.200	New Section
710.205	New Section
710.210	New Section
710.215	New Section
710.220	New Section
710.225	New Section
710.230	New Section
710.235	New Section
710.240	New Section
710.2000	Amendment

4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1967, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

5) A Complete Description of the Subjects and Issues Involved: 83 Ill. Adm. Code 710 incorporates by reference, with certain noted changes, 47 CFR 32, the Federal system of accounts adopted by the Federal Communications Commission. The pro-

posed amendments will add the retirement units to be used in conjunction with the specified accounts in the Federal system of accounts. The proposed amendment also changes an amount in the Federal accounts from \$200 to \$500 in Section 710.2000(a), to reflect a pending change in the Federal rules.

6) Will these proposed amendments replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand a state mandate on units of local government, school districts, or community college districts.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 14, 1988

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- B) Types of small businesses affected; These amendments will affect those telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping.
- D) Types of professional skills necessary for compliance: Accounting skills.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 710

UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS CARRIERS

Section	
710.1	Adoption of 47 CFR 32 by Reference
710.3	Authority
710.4	Communications Act
710.11	Classification of companies
710.13	Accounts - General
710.14	Regulated accounts
710.16	Changes in accounting standards
710.17	Interpretation of accounts
710.18	Waivers
710.19	Address for reports and correspondence
710.22	Comprehensive interperiod tax allocation
710.23	Nonregulated activities
710.25	Unusual items and contingent liabilities
710.27	Transactions with affiliates
710.100	List of retirement units
710.105	Retirement units for use in conjunction with Account 2112 "Motor vehicles"
710.110	Retirement units for use in conjunction with Account 2113 "Aircraft"
710.115	Retirement units for use in conjunction with Account 2114 "Special purpose vehicles"
710.120	Retirement units for use in conjunction with Account 2115 "Garage work equipment"
710.125	Retirement units for use in conjunction with Account 2116 "Other work equipment"
710.130	Retirement units for use in conjunction with Account 2121 "Buildings"
710.135	Retirement units for use in conjunction with Account 2122 "Furniture"
710.140	Retirement units for use in conjunction with Account 2123.10 "Office support equipment"
710.145	Retirement units for use in conjunction with Account 2123.20 "Company communication equipment"
710.150	Retirement units for use in conjunction with Account 2124 "General purpose computers"



ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

710.155 Retirement units for use in conjunction with Account 2211 "Analog electronic switching"

710.160 Retirement units for use in conjunction with Account 2212 "Digital electronic switching"

710.165 Retirement units for use in conjunction with Account 2215 "Electro-mechanical switching"

710.170 Retirement units for use in conjunction with Account 2220 "Operator systems"

710.175 Retirement units for use in conjunction with Account 2231 "Radio systems circuit"

710.180 Retirement units for use in conjunction with Account 2232 "Circuit equipment"

710.185 Retirement units for use in conjunction with Account 2321 "Customer premise wiring"

710.190 Retirement units for use in conjunction with Account 2351 "Public telephone equipment"

710.200 Retirement units for use in conjunction with Account 2362 "Other terminal equipment"

710.205 Retirement unit for use in conjunction with Account 2411 "Poles and towers"

710.210 Retirement units for use in conjunction with Account 2421 "Aerial cable"

710.215 Retirement units for use in conjunction with Account 2422 "Underground cable"

710.220 Retirement units for use in conjunction with Account 2423 "Buried cable"

710.225 Retirement units for use in conjunction with Account 2424 "Submarine cable"

710.230 Retirement units for use in conjunction with Account 2426 "Intrabuilding network cable"

710.235 Retirement units for use in conjunction with Account 2431 "Aerial wire"

710.240 Retirement units for use in conjunction with Account 2441 "Underground conduit"

710.1160 Account 1160 Temporary investments

710.1180 Account 1180 Telecommunications accounts receivable

710.1181 Account 1181 Accounts receivable allowance - Telecommunications

710.1190 Account 1190 Other accounts receivable

710.1191 Account 1191 Accounts receivable allowance - Other

710.1200 Account 1200 Notes receivable

710.1201 Account 1201 Notes receivable allowance

710.1401 Account 1401 Investments in affiliated companies

710.1438 Account 1438 Deferred maintenance and retirements

710.2000 Instructions for telecommunications plant accounts

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

710.2002 Account 2002 Property held for future telecommunications use

710.2231 Account 2231 Radio system

710.2232 Account 2232 Circuit equipment

710.2690 Account 2690 Intangibles

710.4010 Account 4010 Accounts payable

710.4020 Account 4020 Notes payable

710.4100 Account 4100 Net current deferred operating income taxes

710.4110 Account 4110 Net current deferred nonoperating income taxes

710.4340 Account 4340 Net noncurrent deferred operating income taxes

710.4350 Account 4350 Net noncurrent deferred nonoperating income taxes

710.4999 General Revenue Accounts

710.5082 Account 5082 Switched access revenue

710.5083 Account 5083 Special access revenue

710.5999 General - Expense Accounts

710.7250 Account 7250 Provision for deferred operating income taxes - net

710.7450 Account 7450 Provision for deferred nonoperating income taxes - net

710.9000 Glossary of Terms

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

SOURCE: Adopted April 15, 1974; amended at 2 Ill. Reg. 52, p. 473, effective January 1, 1979; codified at 7 Ill. Reg. 15949; amended at 7 Ill. Reg. 15972, effective November 18, 1983; emergency amendment at 8 Ill. Reg. 7636, effective May 17, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21231, effective October 15, 1984; amended at 9 Ill. Reg. 4029, effective April 1, 1985; amended at 9 Ill. Reg. 9453, effective June 10, 1985; amended at 9 Ill. Reg. 18912, effective November 20, 1985; amended at 10 Ill. Reg. 161, effective December 23, 1985; emergency amendment at 10 Ill. Reg. 775, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10526, effective May 30, 1986; amended at 11 Ill. Reg. 9035, effective May 1, 1987; emergency repealer and emergency rules adopted at 12 Ill. Reg. 1295, effective January, 1988, for a maximum of 150 days; Part repealed, new Part adopted at 12 Ill. Reg. 9645, effective May 25, 1988; amended at 11. Reg. , effective

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

Section 710.100 List of retirement units

See Section 32.2000(d)(1) through (d)(5).

(Source: Added at Ill. Reg. , effective )

Section 710.105 Retirement units for use in conjunction with Account 2112 "Motor vehicles"

- a) Each complete item of equipment, the original cost of which was charged to the motor vehicle account, such as:

Automobiles  
Buses  
Trucks  
Truck-type tractors  
Vans

- b) Tools or other work equipment permanently mounted on or forming a part of the vehicle, such as:

Air compressors  
Borers, earth  
Concrete mixers  
Derricks, pole  
Duct rodders  
Ladders (not portable)  
Ladder racks  
Lifts and other aerial devices on trucks  
Power pumps  
Power take offs  
Power winches  
Spot lights  
Tanks, kerosene and splicing oil  
Tire carriers  
Tarpaulins, truck body  
Towing hooks

- c) In order for work equipment to be classified as a retirement unit of this account, the equipment shall be:

- 1) Mounted in or on the vehicle and ordinarily will remain with the vehicle permanently or until replacement is necessary.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

- 2) Required for the actual operation of the vehicle in its intended use; and

- 3) Inherent part of the vehicle.

(Source: Added at Ill. Reg. , effective )

Section 710.110 Retirement units for use in conjunction with Account 2113 "Aircraft"

Each complete item of equipment, the original cost of which was charged to the aircraft account, such as:

Helicopter  
Jet power airplanes  
Propeller powered airplanes

(Source: Added at Ill. Reg. , effective )

Section 710.115 Retirement units for use in conjunction with Account 2114 "Special purpose vehicles"

Each complete item of equipment, the original cost of which was charged to the special purpose vehicle account, such as:

Boat and barges  
Golf cart  
Moped  
Snowmobile

(Source: Added at Ill. Reg. , effective )

Section 710.120 Retirement units for use in conjunction with Account 2115 "Garage work equipment"

Each complete item of equipment, the original cost of which was charged to the garage work equipment account, such as:

Air compressors  
Car hoists  
Engine analysers and other diagnostic equipment  
Exhaust emission testers  
Garage jacks  
Lubricating racks  
Metal bins



## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Microprocessors and terminals associated with fuel dispensing  
Power tools (e.g., sanders)  
Pumps (oil, fuel, water, air)  
Specially designed vacuums used to remove asbestos and other hazardous material  
Storage tanks (e.g., fuel, oil, including underground storage fuel tanks)  
Tire racks  
Vehicle hoists and lifts (including car hoists)  
Welding equipment  
Wheel alignment and tire changing equipment

(Source: Added at Ill. Reg. , effective )

Section 710.125 Retirement units for use in conjunction with Account 2116 "Other work equipment"

Each complete item of equipment, the original cost of which was charged to the other work equipment account, such as:

Air compressors  
Back hoes  
Bulldozers  
Cable lashers  
Cable plows  
Carts - cable splicers  
Concrete mixers mounted on trailers  
Derricks  
Duck rodders mounted on trailers  
Earth bores and diggers  
Earth moving machines  
Fork lifts  
Hand trucks  
Hydraulic cable/pole pullers  
Ladders (portable type)  
Machine tools  
Mobile radiotelephone base stations and units used for the maintenance system  
Motors, portable  
Pole handling equipment (derrick, jack)  
Pole-treating apparatus  
Portable derricks  
Portable heaters, blowers, pumps, generators, motors, alternators  
Power take-offs

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Power tools (e.g., drills, hammers, loaders, reels, blowers, winches)  
Pumps (except fuel and oil)  
Test equipment, portable - not designed and dedicated to one particular class of plant  
Tamping and back-filling machines  
Tents - cable splicers  
Tractors  
Trailers  
Trenching machines  
Underground service modules and mobile power unit modules  
Walkie-talkies  
Wire measuring machines

(Source: Added at Ill. Reg. , effective )

Section 710.130 Retirement units for use in conjunction with Account 2121 "Buildings"

a) Each completed item which was charged to "Buildings," such as:

1) A computer classified to this account  
2) A peripheral device associated with a computer classified to this account (e.g., input/output device, disk drive)  
3) A complete building  
4) An entire roof with or without supporting members  
5) A complete fire escape  
6) A complete metal window (i.e., box, frame and sash)  
7) A boiler, furnace, hot water heater or automatic stoker  
8) A coal or ash conveying system  
9) An elevator complete with operating mechanism  
10) A gas or oil-burner system

## ILLINOIS COMMERCE COMMISSION

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- 11) A complete driveway (all driveway for a particular building)
- 12) A complete sidewalk (all sidewalk for a particular building)
- 13) Paving for a complete parking area (all paved parking area at a particular building)
- 14) A tower, when mounted on building, or structural steel self-supporting type, when not mounted on building
- 15) A house-lighting or power board
- 16) An oil tank
- 17) The floor covering for one room, such as linoleum and similar floor covering, excluding carpets not attached to the building and rugs
- 18) A motor, generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum or similar item of equipment, with or without associated wiring, control equipment, etc.
- 19) A complete metal door, including frame
- 20) A complete fence
- 21) Acoustic ceiling for one room
- 22) A.C. transformer for main and substation service
- 23) A septic tank
- 24) A cooling tower or evaporation condenser
- 25) A self-contained air conditioning unit
- 26) Major components of a built-up air conditioning system such as:
- A) a condenser,
- B) an evaporator, or

- C) an air handler.
- 27) Detection and protection systems (e.g., fire, security, or temperature)
- b) Note: A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level that part of the roof covering an entire section built at one time shall be considered an entire roof. That certain roofs are separated into sections by parapet walls shall not cause each section to be considered as a retirement unit.
- c) In addition to the above retirement units, material (i.e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled as a retirement and capitalization:

- 1) Changes in the type of operation of elevator systems, e.g., a change from manual to signal control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another;
- 2) Relocations of restrooms, battery rooms, kitchen, terminal rooms, machine rooms, transformer vaults, etc;
- 3) Structural changes such as:
- A) Reinforcements of floors, roofs, bearing walls, footings, and foundations;
- B) additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots; and
- C) building alterations required for fire protection and other safety measures;



## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

4) Changes in the type of electric current supply, or of ventilating, air conditioning, or similar systems;

5) Building enlargements;

6) Replacements of the following characters:

A) Replacement of plumbing or heating pipes (with or without associated valves) except when necessitated by minor repairs or minor relocations of fixtures;

B) Replacement of all or substantially all of the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building; and

C) General replacement (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; plumbing, heating, or drainage traps.

(Source: Added at Ill. Reg. , effective )

Section 710.135 Retirement units for use in conjunction with Account 2122 "Furniture"

Each complete item of furniture, the original cost of which was charged to the furniture account, such as:

Antiques  
Beds, cots and couches  
Bookcases  
Cabinets and filing cases  
Cafeteria equipment (e.g., dining booths, dishwashers, steamers)  
Chairs  
Credenzas  
Desks  
Exercise equipment, movable  
Lamps  
Lockers and wardrobes, movable  
Microwave ovens, movable  
Modular furniture (major components)  
Murals

## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Paintings  
Partition system, movable  
Photographs  
Pianos and phonographs  
Prints, original or limited edition  
Refrigerators, movable  
Rugs  
Sofas  
Station, cashier or hostess  
Statuary  
Stoves  
Tables  
Tapestries  
Vending machines  
Wall hangings  
Woodcuts

(Source: Added at Ill. Reg. , effective )

Section 710.140 Retirement units for use in conjunction with Account 2123.10 "Office support equipment"

Each complete item of equipment, the original cost of which was charged to the office support equipment account, such as:

Addressing machines  
Air conditioning units, portable  
Audio/visual equipment (e.g., screens, slides, projectors)  
Billing/posting machines  
Blueprinting machines  
Burster, paper  
Calculators  
Cameras  
Cash registers  
Check writers  
Coin counter/sorter  
Copier machines  
Counters  
Dehumidifying units, portable  
Dictating equipment  
Display and lecture demonstration kits  
Drilling equipment, paper  
Facsimile devices  
Fans - electric portable  
Fire extinguisher equipment, portable

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

Floor scrubbing and polishing machines  
Medical equipment (e.g., X-ray equipment, examining  
tables, microscopes, whirlpool)  
Microfilm equipment  
Paper folders  
Paper shredders  
Photostat copiers  
Postage meter machines  
Safes  
Sewing machines  
Television sets and audio/visual monitors  
Typewriters  
Vacuum cleaners  
Vending machines  
Water coolers, portable

(Source: Added at Ill. Reg. , effective )

Section 710.145 Retirement units for use in conjunction with  
Account 2123.20 "Company communication equipment"

- a) Each complete item of equipment the original cost of  
which was charged to the company communication equipment  
account, such as:

Conference/bridging equipment  
Data sets  
Desk sets, hand sets, wall sets and combined sets  
including the distributing frames  
Inside wiring plus terminal boxes or cross  
connector points  
Key telephone systems element (key cabinets, key  
boxes, relay rack equipment)  
Mobile telephone terminal equipment  
Multiple manual switchboards  
Power equipment, including special foundations  
Private branch exchange, common equipment elements  
(cable to network interface, power equipment,  
switch board, switching equipment)  
Switching equipment at switching or relay centers  
of teletypewriter systems  
Teletypewriters  
Voice message exchange

- b) All of the above items generally should be dedicated to  
the official company communications function. Items of  
multiple use shall be classified based on the  
predominant use.

ILLINOIS REGISTER  
ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Added at Ill. Reg. , effective )

Section 710.150 Retirement units for use in conjunction with  
Account 2124 "General purpose computers"

Each complete item of equipment, the original cost of which was  
charged to the general purpose computers account, such as:

Assemblers  
Burster (imprinter - detacher)  
Card read/punch  
Cartridge drive  
Central processing units  
Concentrator/multiplexer  
Control consoles  
Converter, tape-to-card component parts (The card  
converter and the tape reader are retirement units.)  
Decollator  
Disk drives  
Input/output devices  
Inter coupler (system) such as a sensing device, control  
chassis, reader/punch and other devices which interface  
the computer with the computer's input/output devices.  
Main storage  
Memory units  
Modems  
Multiplexer/concentrator  
Optical scanners  
Personal computer (include CPU, disk drives, monitor(s)  
and keyboard)  
Power converter unit  
Power units (e.g., bus bars, generators, engines,  
chargers, and storage batteries  
Printers  
Reader or tape switching units  
Remote console units  
Tapedrives  
Teletypewriters (not associated with official  
communications intrasystem)  
Terminal (keyboard/display)  
Uninterruptible power supply units  
Word processors

(Source: Added at Ill. Reg. , effective )



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Section 710.155 Retirement units for use in conjunction with Account 2211 "Analog electronic switching"

- a) Each complete item of equipment the original cost of which was charged to the analog electronic switching account, such as:

- 1) Automatic number announcer
- 2) Computers classified to this account
- 3) Peripheral devices associated with computers classified to this account (i.e., input/output devices, disk drives)
- 4) Desks and test boards:
  - A) Desks (i.e., operating, observing or testing) a complete section or lower unit
  - B) Testboards or test control boards (board type) a complete section
  - C) Testboards or test control boards (rack type):
    - i) All the equipment in one bay
    - ii) A complete upper unit
    - iii) A complete lower unit
  - D) Test panels - a complete panel
  - E) Test cabinets - a cabinet complete with equipment
- 5) Main distributing frame - a complete installation for one central office in multi-unit offices for one operating unit (including wall type frames)
- 6) Racks:
  - A) Relay rack equipment:
    - i) A panel or unit complete with equipment

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

- ii) All the equipment in one bay, exclusive of any panels or units
- B) Coil rack equipment: All equipment on one shelf
- C) Message and traffic register track equipment: All equipment in one bay
- D) Iron framework - a complete line of rack with or without enclosing cabinet or case
- 7) Cable:
  - A) All of the cable in one run used for the same purpose, such as between:
    - i) Main frame and intermediate frame for subscribers' lines
    - ii) Main frame and intermediate frame for outgoing trunk multiple
    - iii) Intermediate frame and connector frame or final frame for subscribers' lines
    - iv) Intermediate frame and answering jacks
    - v) Intermediate frame and switchboard for outgoing trunk multiple jacks
    - vi) Intermediate frame and switchboard for subscribers' multiple jack.
  - B) Iron framework - a complete installation of rack for one cable run
- 8) Power Equipment:
  - A) Frame or rack mounted equipment:
    - i) A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- i) Iron framework - a frame or rack for one fuse board, one power switchboard, etc.
- B) A generator, motor, motor-generator set, gas engine, rectifier, ringing machine, interrupter
- C) Storage batteries:
- i) A complete battery with or without rack or cabinet or counter electric motive force cells
- ii) All positive or all negative plates in an entire battery (i.e., in all cells of a 48 volt battery)
- iii) All tanks or all parts or jars of an entire battery
- iv) Battery rectifier (charger)
- v) A complete group of bus bars, cable or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines
- vi) A complete battery rack on cabinet, storage or dry

9) Where a central office battery plan consists of two or more banks of cells, each bank connected in parallel with the other(s), each such bank of cells is considered as a complete battery

10) Telephone repeater equipment (including test equipment):

- A) A complete floor mounted rack type set
- B) Relay rack mounted equipment:
- i) A panel or unit complete with equipment
- ii) All the equipment in one bay exclusive of any panels or units.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- C) Coil rack mounted equipment:
- i) All the equipment on one shelf
- ii) Iron framework - a complete line of rack
- D) Carrier equipment:
- i) A complete floor mounted rack type set,
- ii) Relay rack mounted equipment (a panel or unit complete with equipment, all the equipment in one bay exclusive of any panels or units),
- iii) a line filter,
- iv) a complete test table,
- v) iron framework - a complete line of rack
- E) Telegraph equipment:
- i) Telegraph testboard - a complete section or bay
- ii) Duplex single line telegraph and polar repeaters: A table or bay complete with equipment
- iii) Metallic telegraph repeaters (a complete floor mounted rack type set, a panel or unit complete with equipment
- iv) Voice frequently carrier equipment - a panel or unit complete with equipment
- v) Voice frequently carrier battery supply apparatus (a complete bay of equipment, a complete test table)
- vi) Iron framework - a complete line of rack



ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS11) Telephotograph equipment:A) Table mounted sending or receiving equipment:

Complete amplifier-modulator box  
Complete fork box  
Complete mechanical system  
Complete optical system  
Table complete with equipment

B) Rack mounted sending or receiving equipment:

A panel complete with equipment  
All the equipment in one bay  
Iron framework - a complete line or rack

C) Power equipment:

A complete power board  
A complete storage battery

D) Photographic equipment:

A copying camera or a copying, enlarging and reducing camera, each with or without associated stands, illuminators, and copy boards  
A developing, fixing, and washing tank  
A drying cabinet  
A print machine

12) Miscellaneous equipment:

- A) A calculagraph, a master clock, or a secondary clock  
B) Electrically driven calculagraph and clock system - a complete installation  
C) Mechanical or pneumatic tube ticket distributing system - a complete installation  
D) Each complete or test set the cost of which was charged to a Central Office Asset account, such as a plug remover and attachor cam aligning fixture, multiple bank resetting

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

gauge, chart straightening tool, a relay adjusting set, a line finder set or wagon-type set

- E) Each complete item of furniture specifically designed for use in Central Offices (i.e., table or desk equipment with central office equipment)

- F) Loud speaker equipment - a complete installation

- G) Aisle lighting equipment - a complete installation on one floor

- H) Rolling ladders - a complete installation for one side of one frame or rack

- I) Message and traffic register cabinets - a cabinet complete with equipment

- J) Teletypewriter sets - the retirement units identified for teletypewriters in Account 2123.20, Other Communications Equipment

- 13) A complete equipment frame and shelves and backplane, such as:

Administrative control and input/output  
Basic central control  
Combined memory  
Data management and transmission  
Facility test unit  
Line unit  
Miscellaneous power distribution  
Trunk service junctor  
Trunk unit

- 14) All printed wiring cards or units within a frame, such as:

Automatic number announcer  
Call store equipment  
Central processing unit  
Control consoles  
Junctors  
Line cards

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

Magnetic tape unit and controllers  
Multi-frequency (MF) receivers  
Multi-frequency (MF) senders  
Peripheral interface units  
Power supply  
Program store equipment  
Remote dial test  
Ringing generator  
Signaling processor  
Trunk cards

- b) Each complete item of test equipment, hardwired or specifically designed and dedicated for use with a particular analog electronic switching system.

(Source: Added at Ill. Reg. , effective )

Section 710.160 Retirement units for use in conjunction with Account 2212 "Digital electronic switching"

- a) Each complete item of equipment, the original cost of which was charged to the digital electronic account. See Section 710.155(a) for the list of units.

- b) Each complete item of test equipment, hardwired or specifically designed and dedicated for use with a particular digital electronic switching system.

(Source: Added at Ill. Reg. , effective )

Section 710.165 Retirement units for use in conjunction with Account 2215 "Electro-mechanical switching"

- a) Each complete item of equipment the original cost of which was charged to the electro-mechanical switching account. See Section 710.155(a) for the list of units.

- b) Each complete item of test equipment, hardwired or specifically designed and dedicated for use with a particular electro-mechanical switching system

(Source: Added at Ill. Reg. , effective )

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

Section 710.170 Retirement units for use in conjunction with Account 2220 "Operator systems"

- a) Each complete item of equipment, the original cost of which was charged to the operator systems account, such as:

- 1) Announcement equipment  
2) Computers classified to operator systems

- 3) Conference calling equipment

- 4) Cordboards

- 5) Directory assistance positions

- 6) Furniture items specifically designed for use with operator systems

- 7) Intercept equipment

- 8) Operator console (traffic service position systems or traffic operator position systems)

- 9) Peripheral devices associated with computers classified to operator systems (e.g., input/output devices, disk drives)

- 10) Rate and route equipment

- 11) Switchboards

- 12) Test equipment, hardwired or specifically designed and dedicated for use with a particular major operator system or component

- 13) Time and charge quotation equipment

- 14) Power equipment:

- A) Frame or rack mounted equipment:

- i) A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

ii) Iron framework - a complete line of frame or rack for one fuse board, one power switchboard, etc.

B) A generator, motor, motor-generator set, gas engine, rectifier, ringing machine, interrupter

C) Storage batteries:

i) A complete battery with or without rack or cabinet

ii) All positive or all negative plates in an entire battery (i.e., in all cells of a 48-volt battery)

iii) All tanks or all parts of an entire battery

iv) Battery rectifier (charger)

v) A complete group of bus bars, cable, or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines

b) Where a central office battery plan consists of two or more banks of cells, each bank connected in parallel with the other or others, each such bank of cells is considered as a complete battery.

c) Operator consoles (traffic service position systems or traffic operator position systems)

d) A complete equipment frame with shelves and backplane

e) All printed wiring cards or units within a frame

(Source: Added at Ill. Reg. , effective )

Section 710.175 Retirement units for use in conjunction with Account 2231 "Radio systems circuit"

a) Each complete item of equipment, the original cost of which was charged to the radio systems circuit account, such as:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Amplifiers  
Computers classified to this account  
Control apparatus  
Frequency modulation terminals  
Intercept equipment  
Peripheral devices associated with computer systems  
classified to this account (e.g., input/output devices, disk drives)  
Test equipment specifically designed for radio systems or its components  
Transceivers  
Transmitter (complete)

b) Note: For mobile radiotelephone central office equipment, a transmitter, a receiver, a control terminal, a test transmitter or receiver, power supply, batteries and a complete vertical antenna should be considered as a retirement unit.

c) Paging equipment including transmitting, receiving, decoding units and power supply

d) Radio relay type:

Antenna  
Monitor and alarm systems  
Receiving assembly  
Solar power repeaters  
Transmitting assembly  
Waveguide

e) Television Pick-up Type:

A complete tripod and antenna  
A control head  
Program transmission equipment  
R F head, transmitter or receiver

f) Power Equipment:

1) Frame or rack mounted equipment:

A) A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

- B) Iron framework - a complete line of frame or rack for one fuse board, one power switchboard, etc.
- 2) A generator, motor, motor-generator set, gas engine, rectifier, ringing machine, interrupter
- g) Storage batteries:
- 1) A complete battery with or without rack or cabinet
  - 2) All positive or all negative plates in an entire battery (i.e., in all cells of a 48-volt battery)
  - 3) All tanks or all parts of an entire battery
  - 4) Battery rectifier (charger)
  - 5) A complete group of bus bars, cable or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines
- (Source: Added at Ill. Reg. , effective )
- Section 710.180 Retirement units for use in conjunction with Account 2232 "Circuit equipment"
- Each complete item of equipment, the original cost of which was charged to the circuit equipment account, such as:

- a) Alarm system - a complete unit
- b) Carrier and voice frequency patch bays
- c) Channel banks
- d) Channel bank equipment
- e) Channel units
- f) Charger racks - 130 volt
- g) Common channel interoffice signaling terminal equipment
- h) Computers classified to this account

ILLINOIS REGISTER 19590  
88 88

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

- i) Concentrators
- j) Converters, analog to digital
- k) Desks, repair or test (specifically designed as circuit equipment)
- l) Digital access cross connect system
- m) Digital interface frame
- n) Echo cancelers
- o) Echo suppressors
- p) Equalizers
- q) Peripheral devices associated with computer systems classified to this account (e.g., input/output devices, disk drives)
- r) Test equipment hardwired or designed and dedicated specifically for use with analog circuit equipment
- s) Voice frequently repeater equipment
  - 1) Relay rack mounted equipment - All equipment in one rack
  - 2) Coil rack mounted equipment - All the equipment on one rack
  - 3) Iron framework - a complete rack
- t) Complete carrier terminal or multiplexers
  - 1) Carrier plug-in units - a complete unit or set. Assemblies for which stock is maintained and units compared thereto.
  - 2) Basic assembly unit including shelf, transmitter, receiver, alarm unit, cross-connect panel, splice panel, writing shelf, and power supply.



ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

v) Line repeaters

- 1) An entire cabinet
- 2) All repeaters within a cabinet

v) Cross-connect panelsw) Power equipment:

- 1) Frame or rack mounted equipment:

- A) A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.
- B) Iron framework - a complete line of frame or rack for one fuse board, one power switchboard, etc.

2) Storage batteries:

- A) A complete battery with or without rack or cabinet
- B) All positive or all negative plates in an entire battery (i.e., in all cells of a 48-volt battery)
- C) All tanks or all parts of an entire battery
- D) Battery rectifier (charger)
- E) A complete group of bus bars, cable or wiring (with or without conduit) such as between battery and fuse panel, and power switchboard and machines

x) Optical transmitter (laser or light emitting diode)y) Optical receiversz) Wave length multiplexersaa) Span switching units - a complete installationbb) Power conversion equipment

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Added at Ill. Reg. , effective )

Section 710.185 Retirement units for use in conjunction with Account 2321 "Customer premises wiring"

- a) The original cost of the following items are includible in Account 2321 such as:

- 1) The wires (or small cables) from the station apparatus to the point of connection with the outside plant cable or wire facilities.
- 2) The wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of the intercommunicating systems.
- 3) The wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building.
- 4) The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames to switchboard.
- 5) The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent house or outside cables or wires.
- 6) Connecting blocks, ground wires, ground rods, station protectors, clamps, cleats, nails, screws and other material used in the installation of station apparatus and inside wiring and cabling.
- 7) Labor and other costs incurred in connection with station apparatus and station connection installations or additions thereto.

- b) Note: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire and cable accounts.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Added at Ill. Reg. , effective )

Section 710.190 Retirement units for use in conjunction with  
Account 2351 "Public telephone equipment"

The original cost of the following items is includible in the  
public telephone equipment account such as:

- a) Housing - a complete installation with or without booth,  
directory hangers and shelves, shield and public  
telephone sign
- b) Pedestal - a complete installation with or without a  
base plate
- c) Shelf in proximity to public telephones - complete  
installation with or without directory hangers
- d) Telephone set - a complete item

(Source: Added at Ill. Reg. , effective )

Section 710.200 Retirement units for use in conjunction with  
Account 2362 "Other terminal equipment"

Each complete item of equipment, the original cost of which was  
charged to the other terminal equipment accounts, such as:

- Auxiliary data sets
- Centrex attendant position equipment
- Channel service unit 500A
- Communications devices for the handicapped
- Data service unit 500B
- Digital data system equipment
- E-911 public safety answering point equipment and CPE
- ESS-ASC console control cabinets
- Network channel terminating equipment
- Overvoltage protection systems
- Porta print PLUS
- Subscriber pair gain equipment

(Source: Added at Ill. Reg. , effective )

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

Section 710.205 Retirement units for use in conjunction with  
Account 2411 "Poles and towers"

The original cost of the following items is includible in poles  
and towers account, such as:

- a) A pole (e.g., line pole, brace pole, guy stub, or pole  
forming part of A or H fixture), with or without  
associated anchors, guys, or steps, crossarms, etc.
- b) A special fixture (e.g., a bridge fixture, a tower or  
other special-river-crossing or long-span fixture) with  
or without associated anchors, guys, etc.
- c) Towers - aluminum, wood or steel; guyed and free  
standing. This does not include antenna support on  
buildings or large self-supporting antenna towers  
chargeable to Account 2121.

(Source: Added at Ill. Reg. , effective )

Section 710.210 Retirement units for use in conjunction with  
Account 2421 "Aerial cable"

The original cost of the following items is includible in the  
aerial cable account, such as:

- a) Two continuous spans or more of cable with (metallic or  
nonmetallic) or without associated distribution  
terminals, suspension strands, clamps, lashing, etc.  
(The term "span" shall include a length of cable from a  
"Y" splice not located at a pole, to a pole or building  
or any section of aerial cable 300 feet or more in  
length.)
- b) A section or run of cable with or without associated  
elements and parts as follows: All of a continuous run  
of one size (i.e., a section between splices other than  
straight splices) of block cable, i.e., cable attached  
to buildings, walls or fences.
- c) Any length of cable connected with but not a part of any  
unit on this list when replaced concurrently with the  
unit.



d) Terminating cable (all of the cables and forms used for terminating one cable)

e) A complete cross-connect cable terminal, protected or unprotected, with or without associated balcony, pole seat, pedestal, etc.

f) A pressure contractor terminal with or without contractor

g) A complete house terminal, protected or unprotected, including frame type

h) A complete video terminal

i) A complete coaxial terminal

j) A case of equipment such as loading coils, building-out condensers, carrier lines filters, or auto transformers

k) An air dryer

l) Equipment for wide band RF systems such as amplifiers, automatic gain control modules, couplers, equalizers, splitters

m) Cable pressure alarm systems

n) Transducer housing with associated transducers

(Source: Added at Ill. Reg. , effective )

Section 710.215 Retirement units for use in conjunction with Account 2422 "Underground cable"

The original cost of the following items is includible in the underground cable account, such as:

a) A section or run of cable (metallic or nonmetallic) with or without associated elements and parts as follows:

1) Between a manhole, handhole or service box and a pole, building, fence, wall or the junction with house cable

2) Between manholes, handholes or service boxes; or between an office cable vault and an office manhole

3) Between a cable vault or an office manhole and the main frame, the main frame terminating cables, or the frame mounted connector stub

4) All of a continuous run of one size of block cable, e.g., cable attached to buildings, walls or fences (See Section 710.210(b)).

5) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above

b) Any length of cable connected with but not a part of any unit of this list when replaced concurrently with the unit

c) Terminating cables; all of the cables and forms used for terminating one cable

d) Any length of cable in an underground dip (except cable of two pairs or less used as drop or block wires)

e) A complete cross connecting cable terminal, protected or unprotected

f) A pressure contractor terminal with or without contractor

g) A complete video terminal

h) A complete coaxial terminal

i) A case of equipment such as loading coils, building-out condensers, carrier line filters, or auto transformers

j) An air dryer

k) Equipment for wide band RF systems such as amplifiers, automatic gain control modules, couplers, equalizers, splitters

l) Cable pressure alarm systems

m) Transducer housing with associated transducers

(Source: Added at Ill. Reg. , effective )

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Section 710.220 Retirement units for use in conjunction with  
Account 2423 "Buried cable"

The original cost of the following items is includible in the  
buried cable account, such as:

a) A section or run of cable (metallic or nonmetallic) with  
or without associated elements and parts as follows:

- 1) Between a manhole, handhole or service box and a  
pole, building, fence, wall or the junction with  
house cable
- 2) Between manholes, handholes or service boxes; or  
between an office cable vault and an office manhole
- 3) Between a cable vault or an office manhole and the  
main frame, the main frame terminating cables, or  
the frame mounted connector stub
- 4) A section of buried cable 300 feet or more in  
length, or any section of buried cable between  
manholes, splicing boxes, pedestals, poses or  
buildings

b) Any length of cable connected with but not a part of any  
unit of this list when replaced concurrently with the  
unit

c) Terminating cables (all of the cables and forms used for  
terminating one cable)

d) A complete cross connecting cable terminal, protected or  
unprotected

e) A pressure contactor terminal with or without contactor

f) A complete video terminal

g) A complete coaxial terminal

h) A case of equipment such as loading coils, building-out  
condensers, carrier line filters, or auto transformers

i) An air dryer

(Source: Added at Ill. Reg. , effective )

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

j) Equipment for wide band RF systems such as amplifiers,  
automatic gain control modules, couplers, equalizers,  
splitters

k) Cable pressure alarm systems

l) Transducer housing with associated transducers

(Source: Added at Ill. Reg. , effective )

Section 710.225 Retirement units for use in conjunction with  
Account 2424 "Submarine cable"

The original cost of the following items is includible in the  
submarine cable account, such as:

a) A section or run of cable (metallic or nonmetallic) with  
or without associated elements and parts as follows:  
All of a submarine cable for one crossing; or a section  
of submarine cable 300 feet or more in length

b) Any length of cable connected with but not a part of any  
unit of this list when replaced concurrently with the  
unit

c) A complete cross connecting cable terminal, protected or  
unprotected

d) A pressure contactor terminal with or without contactor

e) A submarine cable hut or house

f) A submarine cable anchorage

g) A submarine cable terminating frame

h) A case of equipment such as loading coils, building-out  
condensers, carrier line filter, or auto-transformers

i) An air dryer

j) Terminating cables - all of the cables and forms used  
for terminating one cable



ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

Section 710.230 Retirement units for use in conjunction with  
Account 2426 "Intrabuilding network cable"

The retirement units for intrabuilding network cable, except for  
location, are the same as the retirement units in underground,  
buried and aerial cable. Components of all cable accounts can be  
found in intrabuilding network cable.

(Source: Added at Ill. Reg. , effective )

Section 710.235 Retirement units for use in conjunction with  
Account 2431 "Aerial wire"

The original cost of the following is includible in the aerial  
wire account, such as:

- a) Five continuous spans or more of one wire, with or  
without associated insulators, transposition brackets,  
etc.
- b) A case of equipment such as loading coils, building-out  
condensers, carrier line filters, or auto-transformers,  
or carrier line filters (except low path filters  
associated with subscriber line carriers and load coil  
cases designed for fewer than six coils)
- c) An antenna, complete with or without supports

(Source: Added at Ill. Reg. , effective )

Section 710.240 Retirement units for use in conjunction with  
Account 2441 "Underground conduit"

The original cost of the following is includible in the  
underground conduit, such as:

- a) A section of conduit:
  - 1) Between two manholes, handholes or service boxes
  - 2) Between a manhole, handhole or service box and a  
pole or building
  - 3) Between a central office cable vault and an office  
manhole

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

- 4) Underground dips - between two poles; between a  
pole and a building; between two buildings; or  
between the units in subsections (a)(1) and (a)(2).

b) A manhole, handhole or service box

c) Note: When a manhole is reconstructed, i.e., enlarged  
or changed in design, the portions of the manhole  
removed, whether or not replaced, shall be reported  
under the "X" (removal) account

(Source: Added at Ill. Reg. , effective )

Section 710.2000 Instructions for telecommunications plant  
accounts

- a) In Section 32.2000 (a)(4) delete "\$200" and substitute  
"\$500."

a)b) In determining the reasonable amounts of  
interest to which Section 32.2000(c)(2)(x)(A)  
refers, the Commission will consider items  
including, but not limited to, current money  
market rates and the carrier's interest rate  
on its debt and return on equity funds.

b)c) In Section 32.2000 (e)(5), insert "Chief  
Accountant of" before "Commission."

e)d) In Section 32.2000(e)(5)(i), insert "Chief  
Clerk of the" before "Commission."

e)e) In Section 32.2000(e)(5)(ii), insert "Chief  
Accountant of the" before "Commission."

e)f) In Section 32.2000(f)(2)(ii), add "Chief  
Accountant of the" before "Commission" in the  
first and second sentences.

f)g) In Section 32.2000(f)(2), add a new subsection  
(iv) as follows:

"(A) Each telecommunications company  
shall record all changes such as  
installations, additions,  
retirements, or replacement of

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

telecommunications plant by means of a work order or job order system. Items which are complete retirement units (e.g. motor vehicle, furniture) do not require the use of work orders before recording them in the plant accounts.

(B) The work order shall include the following particulars:

- (1) A work order number.
- (2) The description and the location of the work to be done (or the purchases to be made), the dates between which such work (or purchase) is to be accomplished, the date the work is begun and the date it is finished, together with maps, plans or diagrams, specifications, etc., applicable to the project.
- (3) The accumulated charges applicable to each particular job or project and the total cost of the completed project, also the cost of removal. (When any project involves charges to more than one account, the work order should be kept so as to show the amount chargeable to each account. Every charge or credit on work orders shall refer to the voucher, journal, or other source from which the entry therein was made.)

(C) The cost of completed projects shall be promptly transferred to the telecommunications plant accounts to which they are chargeable."

g+h) The "unusual or special type of construction" to which Section 32.2000(f)(3)(ii)(B) refers includes, but is not limited to, construction in an ecologically sensitive area, such as microwave station construction in a national park, and the installation of submarine cable.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

k+i) In Section 32.2000(f)(7), insert "Chief Accountant of the" before "Commission."

k+j) To Section 32.2000(g)(2)(ii), add the following:

After a carrier files a petition pursuant to 83 Ill. Adm. Code 200 for approval of a depreciation rate, the Commission shall consider such factors as asset useful life, obsolescence (both ordinary and extraordinary), inadequacy of the asset, tax effects, interstate settlement effects, and the economic effects on ratepayers.

k+k) In Section 32.2000(g)(5), delete "this" from the first sentence and substitute "the Chief Accountant of the."

k+l) In Section 32.2000(h)(1), delete "Unless otherwise provided by this Commission, either through approval, or upon prescription by this Commission."

(Source: Amended at Ill. Reg. , effective )



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

- 1) Heading of Part: Mortgage Credit Certificates
- 2) Code citation: 47 Ill. Adm. Code 360
- 3) Section Numbers:

Proposed Action:

360.101 New Section  
360.102 New Section  
360.103 New Section  
360.104 New Section  
360.105 New Section  
360.106 New Section  
360.107 New Section  
360.108 New Section  
360.109 New Section  
360.201 New Section  
360.202 New Section  
360.203 New Section  
360.301 New Section  
360.302 New Section  
360.303 New Section  
360.304 New Section  
360.305 New Section  
360.306 New Section  
360.307 New Section  
360.308 New Section  
360.309 New Section  
360.310 New Section  
360.311 New Section

- 4) Statutory Authority: Sections 7.11, 7.19 and 7.25 of the Illinois Housing Development Authority Act (Ill. Rev. Stat. 1987, ch. 67-1/2, pars. 307.11, 307.19, and 307.25).

- 5) A Complete Description of the Subjects and Issues Involved: Section 25 of the Internal Revenue Code of 1986, as amended, provides for the issuance of qualified mortgage credit certificates, which shall allow an eligible borrower purchasing a qualified dwelling to a credit against federal income taxes of 20 percent of the interest paid during any year the mortgage credit certificate is in effect. This Part will implement the mortgage credit certificate program.

- 6) Will this proposed rule replace an emergency rule currently in effect?

No

- 7) Does this rulemaking contain an automatic repeal date? No

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To make housing more affordable for low ad moderate income persons and families.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Peter Woods, 401 N. Michigan Ave., Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 24, 1988.

Types of small businesses affected: Mortgage lenders

Reporting, bookkeeping or other procedures required for compliance: Records shall be maintained in a manner sufficient to establish compliance with this Part.

Types of professional skills necessary for compliance: Administrative and secretarial.

The full text of the Proposed Rules begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 360

## MORTGAGE CREDIT CERTIFICATES

## SUBPART A: GENERAL RULES

Section  
360.101  
360.102  
360.103  
360.104  
360.105  
360.106  
360.107  
360.108  
360.109

Statutory Authorization  
Purpose and Objectives  
Definitions  
Compliance with Federal Law  
Forms for the Program  
Fees and Charges of the Authority  
Severability  
Gender and Number  
Titles and Captions

## SUBPART B: LENDER APPLICATION

Section  
360.201  
360.202  
360.203

Invitations to Participate in the Program  
Applications to Participate in the Program  
Acceptance of Applications

## SUBPART C: BORROWER APPLICATION PROCESS

Section  
360.301  
360.302  
360.303  
360.304  
360.305  
360.306  
360.307  
360.308  
360.309  
360.310  
360.311

Applications for M.C.C.s  
M.C.C. Requirements  
Lender Requirements  
Application for M.C.C. Reservation  
M.C.C. Reservation  
Cancellation or Changes Prior to Closing  
Closing of Mortgage Loans  
Issuance of M.C.C.  
Targeted Area Residences  
Equal Opportunity Lending  
Inspection of Books and Records

AUTHORITY: Sections 7.11, 7.19 and 7.25 of the Illinois Housing Development Authority Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 307.11, 307.19, and 307.25) and Section 25 of the Internal Revenue Code of 1986, as amended and supplemented.

SOURCE: Adopted at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 198\_\_.

## SUBPART A: GENERAL RULES

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

## Section 360.101 Statutory Authorization

Pursuant to Section 25 of the Internal Revenue Code of 1986, as amended and supplemented, states and political subdivisions thereof may elect to issue mortgage credit certificates (M.C.C.s) in lieu of qualified mortgage revenue bonds. This Part is authorized and made pursuant to Sections 7.11, 7.19 and 7.25 of the Act and shall govern the Program.

## Section 360.102 Purpose and Objectives

This Part is being established to accomplish the general purposes of the Act and in particular to establish a qualified Program pursuant to Section 25 of the Internal Revenue Code of 1986, as amended and supplemented. M.C.C.s, when issued, shall entitle an Eligible Borrower purchasing a Qualified Dwelling to a credit against federal income taxes of 20 percent of the mortgage interest paid on a Mortgage Loan during any year the M.C.C. is in effect, as provided in Section 25 of the Code. The Program will, in effect, reduce the interest rate paid on Mortgage Loans to a rate below those otherwise available for low and moderate income persons and families. This Part does not apply to either the Authority's Single Family Mortgage Purchase Program (47 Ill. Adm. Code 220 and 250) or the Multifamily Rental Housing Mortgage Loan Program (47 Ill. Adm. Code 310).

## Section 360.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act (Ill. Rev. Stat. 1987, Ch. 67 1/2, Par. 301 et seq.), as amended and supplemented.

"Authority": The Illinois Housing Development Authority.

"Code": The Internal Revenue Code of 1986, as amended.

"Director": The Director of the Authority.

"First-Time Homebuyer": A person(s) who has not had an ownership interest in a principal residence at any time during the three-year period prior to the Mortgage Loan closing date.

"Eligible Borrower": A person or persons who are residents of the State at the date of the closing of the Eligible Borrower's purchase of the Qualified Dwelling, or who will become residents of the State within sixty days of the closing, whose Household Income does not exceed the Maximum Income; who occupy or will occupy as a single household the Qualified Dwelling purchased or being purchased as a permanent residence; and who at no time during the three-year period ending on the date the Mortgage is executed had a present ownership interest in a principal residence of such Eligible Borrower. The Eligible Borrower who purchases a Targeted Area Residence is exempt from the three-year requirement of



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

this subsection. For purposes of this subsection, the Eligible Borrower's interest in the Qualified Dwelling financed by a Mortgage Loan shall not be taken into account.

"FHA": The Federal Housing Administration.

"Household Income": The total annual gross income of the Eligible Borrower(s) and any other person who is expected to live in the residence and be secondarily liable on the Mortgage Loan, from whatever source derived and before taxes or withholdings.

"Lender": A State-chartered bank, national banking association, credit union, mortgage banker, State or federal savings and loan association which is located in the State, or an individual.

"Maximum Income": Unless otherwise provided in the Code or by the Secretary of the Treasury, 160 percent of the median income determined by the United States Census Bureau for the Standard Metropolitan Statistical Areas in the State having a population of three million or more for the most recent year for which such information is available, as published by the United States Department of Housing and Urban Development or by such other governmental entity as may be determined by the Director to publish substantially comparable information.

"Maximum Purchase Price": The maximum acquisition cost for a Qualified Dwelling as determined by the Secretary of the Treasury from time to time pursuant to Sections 25 and 143 of the Code.

"M.C.C.s": Mortgage credit certificates issued pursuant to Section 25 of the Code.

"Members": The Members of the Authority.

"Mortgage": A deed of trust, mortgage deed, mortgage or other instrument creating a first mortgage lien on a fee simple interest in real property located within the State.

"Mortgage Loan": A loan made by a Lender to an Eligible Borrower for the purchase of a Qualified Dwelling after the date of mailing of the Notice of Acceptance, secured by a Mortgage on such real property, for which an M.C.C. is to be issued. No Mortgage Loan shall be a replacement or refinancing of an existing mortgage loan except in the case of temporary loans as permitted by Section 143 of the Code and the applicable regulations promulgated thereunder by the Secretary of the Treasury.

"Notice of Acceptance": The Authority's notice to a Lender of the acceptance of the Lender's application to participate in the Program.

"Part": This Part 360.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

"Participation Agreement": The agreement entered into by the Authority and the Lender whereby Lender agrees to participate in the Program.

"Program": The Authority's mortgage credit certificate (M.C.C.) program funded by qualified mortgage revenue bonding authority surrendered pursuant to Section 25 of the Internal Revenue Code of 1986.

"Qualified Dwelling": A fee simple interest in real estate:

- 1) that is located in the State of Illinois;
- 2) upon which there is located a structure or structures designed for residential use, including factory-made housing if such structure is permanently affixed to real property;
- 3) that is a single family residence designed for residential use;
- 4) the acquisition cost of which does not exceed the Maximum Purchase Price.

"Residential Use": Use as the principal residence of the occupant and not as a vacation or "second" home, or primarily as a trade or business, as provided in Section 143 of the Code.

"Rules": The rules and regulations of the Authority, as supplemented and amended from time to time.

"Staff": The Director and the employees of the Authority.

"State": The State of Illinois.

"Targeted Area": An area of the State which is either a qualified census tract or an area of economic distress as defined in Section 143 of the Code and the applicable regulations promulgated thereunder by the Secretary of the Treasury.

"Targeted Area Residence": A Qualified Dwelling located in a Targeted Area.

"VA": The United States Veterans' Administration.

## Section 360.104 Compliance with Federal Law

Notwithstanding anything herein to the contrary, this Part shall be construed in conformity and compliance with applicable federal law, including without limitation Sections 25 and 143 of the Code and all applicable Treasury Regulations, as amended and supplemented. If this Part establishes more stringent criteria than applicable federal law, including the Code and Treasury Regulations, this Part shall control and prevail; otherwise, applicable federal law shall control and prevail.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Section 360.105 Forms for the Program

The Staff shall prepare and use forms, agreements and other documentation to implement the Program, including without limitation a procedural guide, a Notice of Acceptance and a Participation Agreement, as may be prescribed by the Director.

Section 360.106 Fees and Charges of the Authority

a) The Authority shall collect a \$500 M.C.C. application fee from each Lender that agrees to participate in the Program pursuant to Section 360.201 of this Part. Such fee shall be applied to cover in part the Authority's costs in administering the Program.

b) A Lender shall charge and collect an M.C.C. application fee of \$200 from each prospective Eligible Borrower applying for an M.C.C. The Lender shall retain \$100 of this fee and remit the remaining \$100 to the Authority to cover in part the Authority's costs in administering the Program.

Section 360.107 Severability

If any clause, sentence, paragraph, subsection, section or subpart of this Part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section or subpart thereof as to which such judgment is rendered.

Section 360.108 Gender and Number

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

Section 360.109 Titles and Captions

Titles and captions of subparts, sections and subsections are used for convenience and references and are not a part of the text.

SUBPART B: LENDER APPLICATION

Section 360.201 Invitations to Participate in the Program

The Authority shall mail invitations to potential Lenders to participate in the Program. The invitation shall contain a description of the Program and a Participation Agreement. An invitation is not a requirement for a Lender to participate in the Program.

Section 360.202 Applications to Participate in the Program

Any Lender may apply to participate in the Program.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Section 360.203 Acceptance of Applications

Any Lender shall be entitled to participate in the Program upon entering into a Participation Agreement with the Authority and paying the application fee established by Section 360.106 of this Part. The Authority shall send each Lender satisfying these requirements a Notice of Acceptance.

SUBPART C: BORROWER APPLICATION PROCESS

Section 360.301 Applications for M.C.C.s

Lenders may accept applications from prospective Eligible Borrowers requesting an M.C.C. The Lender shall initially determine whether applicants meet the requirements of the Program.

Section 360.302 M.C.C. Requirements

a) To be eligible to receive an M.C.C., an applicant must be an Eligible Borrower and the residence to be purchased must be a Qualified Dwelling.

b) A prospective Eligible Borrower purchasing a Qualified Dwelling in a Targeted Area need not be a First Time Homebuyer.

c) An M.C.C. may be used in conjunction with any conventional fixed rate or adjustable-rate mortgage loan, FHA or VA insured mortgage loan or privately insured mortgage loan.

d) A residence does not qualify for an M.C.C. if financing for that residence is obtained from a qualified mortgage revenue bond or a qualified veteran's mortgage bond, as those terms are defined in Section 143 of the Code and the applicable regulations promulgated thereunder.

Section 360.303 Lender Requirements

a) The Lender shall establish the interest rate, down payment requirement, terms of the Mortgage Loan, loan fees, insurance requirements and underwriting criteria for Mortgage Loans.

b) The Lender shall not charge the prospective Eligible Borrower any fees in excess of those it would charge a borrower applying for a non-M.C.C. mortgage loan, other than the M.C.C. application fee described in Section 360.106(b) above.

Section 360.304 Application for M.C.C. Reservation

If a participating Lender determines that an application for financing for a Mortgage Loan meets the requirements of the Program set forth in Section 360.302 of this Part, and if that application also meets the requirements of the Lender, as described in Section 360.303 of this Part, the Lender shall submit an M.C.C. reservation request to the Authority.



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

## Section 360.305 M.C.C. Reservation

- a) The Authority shall process M.C.C. reservation requests on a first-come, first-served basis.
- b) If M.C.C. authority remains available for a Mortgage Loan, the Authority shall issue an M.C.C. reservation upon request from a Lender.
- c) An M.C.C. reservation shall be valid for a period of 60 days from the date of issuance, during which period the Lender shall submit all documentation necessary to establish that the prospective Eligible Borrower meets the requirements of Section 360.302 of this Part and Sections 25 and 143 of the Code and the regulations promulgated thereunder.
- d) If, after making an M.C.C. reservation, the Lender fails to submit within 60 days the documentation required by the Authority for an M.C.C. application, the Authority shall cancel that M.C.C. reservation, unless the Lender applies for an extension of time for a definite period before the 60 day period has expired, and pays a \$25 extension fee to the Authority. Such extension period shall in no event extend beyond the Mortgage Loan closing date.
- e) If the M.C.C. application meets the requirements of the Program as set forth in Section 360.302 of this Part, the Authority shall issue an M.C.C. commitment to the Lender on behalf of the Eligible Borrower.

## Section 360.306 Cancellation or Changes Prior to Closing

- a) The Lender shall return the original M.C.C. commitment to the Authority if the Eligible Borrower withdraws his request for an M.C.C. or is unable to meet the requirements of Sections 25 and 143 of the Code and the regulations promulgated thereunder for the issuance of an M.C.C.
- b) The Lender shall immediately notify the Authority in writing of any change in the circumstances upon which the M.C.C. commitment was issued.

## Section 360.307 Closing of Mortgage Loans

- a) A Mortgage Loan for which an M.C.C. is to be issued shall not be closed prior to the issuance of an M.C.C. commitment by the Authority.
- b) If the Qualified Dwelling to be purchased is existing construction, the Mortgage Loan must close within 90 days of the issuance of the M.C.C. commitment by the Authority.
- c) If the Qualified Dwelling to be purchased is new construction, the Mortgage Loan must close within 180 days of the issuance of the M.C.C. commitment by the Authority.
- d) The Authority shall grant a 90-day extension of an M.C.C. commitment if the Lender requests such an extension prior to the expiration date of the

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

M.C.C. commitment, and pays a \$25 extension fee to the Authority.

- e) Lender shall submit closing documents to the Authority within ten days after the closing of the Mortgage Loan.
- f) The Authority shall cancel the M.C.C. commitment if the requirements of subsections a), b), c), or e) of this Section are not met, unless the Lender requests an extension of time as provided in subsection d) of this Section.

## Section 360.308 Issuance of M.C.C.

- a) If a Lender submits all required documentation in form and content acceptable to the Authority, the Authority shall issue an M.C.C. if:
- 1) The requirements of Sections 360.106, 360.203, 360.302 and 360.307 of this Part have been met;
  - 2) All requirements of Sections 25 and 143 of the Code have been met.
- b) The Authority shall deliver an executed M.C.C. to the Lender, which shall forward it to the Eligible Borrower.

## Section 360.309 Targeted Area Residences

The Authority shall comply with all applicable federal laws regarding the issuance of M.C.C.s, including but not limited to Sections 25 and 143 of the Code and the regulations promulgated thereunder.

## Section 360.310 Equal Opportunity Lending

In making Mortgage Loans, the Lender shall not deny such loans to any person or persons or discriminate against such person or persons in fixing the amount, interest rate, duration, or other terms and conditions of such loans on account of race, color, religion, age, sex, marital status, handicap, or national origin, and shall otherwise be subject to all State and federal requirements with respect to non-discrimination in lending including without limitation, Title VI of the U.S. Civil Rights Act of 1964 (42 U.S.C. Section 2000 et seq.), Title VIII of the U.S. Civil Rights Act of 1968, (42 U.S.C. Section 3604 et seq.), as amended by the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.), the Equal Credit Opportunity Act (15 U.S.C. Sections 1691-1691F), the Fair Credit Reporting Act (15 U.S.C. Sections 1681-1681t) and Section 13 of the Act.

## Section 360.311 Inspection of Books and Records

Upon prior written notice, the Authority may inspect, examine and copy the books and records of each Lender for the purpose of determining compliance with the Rules, the Act and the Participation Agreement.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number:  
140.642  
Proposed Action:  
Amendment
- 4) Statutory Authority: Sections 5-4, 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4, 5-5 and 12-13).
- 5) A Complete Description of the Subjects and Issues Involved: Section 140.642 had been extensively revised to establish in rule the Department's policies concerning long term care screening assessments, and the manner in which these policies govern long term care reimbursement. These revisions respond to several areas of need including compliance with OBRA-87 requirements, clarification of admission criteria for clients with developmental disabilities and curtailment of inappropriate placements, and the resolution of payment problems which arise when clients do not receive screening assessments prior to admission into a long term care facility.

The major areas of change in this Section provide clarifications regarding:

- Screening assessments. Specific circumstances are identified in which individuals must receive screening assessments and when such assessments are not required for individuals previously found to be eligible for long term care services.
- Designated screening agents. Screening agents designated by DMH/DD, DORS or DOA must assess applicants who meet the screening criteria of their agencies. For example, DOA screening agents are required to screen most applicants aged 60 or more. Specific screening criteria for each State agency are provided. Circumstances are described under which DPA may withdraw screening authority from individual agents who are not in compliance with screening procedures as described in this Section.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- Need for ICF/MR services. An applicant's need for ICF/MR services is established through an assessment of his/her functional level in six specific developmental levels. The rule requires that an applicant who is eligible for ICF/MR services may not be denied such services because of a severe/profound handicap, motor deficit, age, medical need, or non-dangerous maladaptive behavior.
- Need for SNF/PED services and SNF/ICF services. Criteria are established for determining applicant eligibility for these categories of services. The rule states that in the case of an individual with mental illness, an assessment must also demonstrate a medical condition requiring SNF/ICF level nursing care to establish eligibility for such services.
- Date of payment. Revisions establish that any screening is valid for 60 days, and specify that the Department will not provide payments for long term care services unless both a screening assessment and a physician's certification document the need for such care. The remaining revisions to Section 140.642 address issues relating to the establishment of Medicaid eligibility, and the determination of the effective date of payment.

- 6) Will this proposed rule replace an emergency rule currently in effect? No  
Yes ☐ No ☒
  - 7) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒
  - 8) Does this proposed amendment contain incorporations by reference? No  
Part? Yes
  - 9) Are there any other proposed amendments pending on this part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation               |
|-----------------|-----------------|--|
| 140.19          | Amendment       | August 12, 1988<br>(12 Ill. Reg. 12976)  |
| 140.100         | Amendment       | October 14, 1988<br>(12 Ill. Reg. 16738) |



ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.350	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.362	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.363	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.364	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.367	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.369	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.370	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.372	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.373	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.376	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.390	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.392	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.394	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.400	Amendment	October 28, 1988 (12 Ill. Reg. 17172)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.441	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.443	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.445	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.447	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.512	Amendment	July 22, 1988 (12 Ill. Reg. 11995)
140.525	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

10) Statement of Statewide Policy Objectives (Ill. Rev. Stat. 1987, ch. 85, par. 2205): This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of Counseling and Litigation, Illinois Department of Public Aid, Jesse B. Harris Building, 100 South Grand Avenue East, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:





## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section	
140.362	Pre July 1, 1984 Services
140.363	Post July 1, 1984 Services
140.364	Utilization Allocation
140.365	Base Year Costs
140.366	Restructuring Adjustment
140.367	Inflation Adjustment
140.368	Volume Adjustment (Repealed)
140.369	Groupings
140.370	Rate Calculation
140.371	Payment
140.372	Review Procedure
140.373	Utilization
140.374	Alternatives
140.375	Exemptions
140.376	Utilization, Case-Mix and Discretionary Funds
140.390	Subacute Alcoholism and Substance Abuse Services
140.391	Definitions
140.392	Types of Subacute Alcoholism and Substance Abuse Services
140.394	Payment for Subacute Alcoholism and Substance Abuse Services
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.398	Hearings

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Eye Care Services and Materials
140.417	Limitations on Eye Care
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section	
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Acquisition Cost
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.460	Clinic Services
140.461	Clinics Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section	Medical Transportation
140.490	Limitations on Medical Transportation
140.491	Payment for Medical Transportation
140.492	Psychological Services
140.495	Payment for Psychological Services
140.496	
SUBPART E: GROUP CARE	
Section	Group Care Services
140.500	Cessation of Payment at Federal Direction
140.502	Cessation of Payment for Improper Level of Care
140.503	Cessation of Payment Because of Termination of Facility
140.504	Continuation of Payment Because of Threat To Life
140.505	Provider Voluntary Withdrawal
140.506	Continuation of Provider Agreement
140.507	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section	Nurse's Aide Training
140.539	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.540	Salaries Paid to Owners or Related Parties
140.541	Cost Reports-Filing Requirements
140.542	Time Standards for Filing Cost Reports
140.543	Access to Cost Reports
140.544	Penalty for Failure to File Cost Reports
140.545	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Nursing Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Pre-Long Term Care Screening Assessment
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons 18 Years Old or Younger
140.646	Reimbursement for Day Programming for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Day Programming Service Levels



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
140.651	Determination of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care

## SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section 140.850	Facility/Client Participation
140.855	Evaluation of Need for Care
140.860	Payment
140.865	Definition
140.870	Guidelines
140.875	Intermediate Care (ICF)
140.880	Skilled Care (SNF)
140.885	Statewide Rates
140.890	Reimbursement for ICF/MR-15 and Under Facilities
140.895	Night Shift Reimbursement

## SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)

TABLE A	Medichex Recommended Screening Procedures
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Staff Time and Allocation by Need Level (Recodified)
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 837/4, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207 Table B at



12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective August 29, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396 effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.642    Pre-Long Term Care Screening Assessment

a)    A client's need for long term care services must be assessed through either the Department on Aging (DOA), Department of Rehabilitation Services (DORS) or Disabilities (DMH/DD) and certified by a licensed physician or, in the case of a developmentally disabled (DD) individual, certified by a Title XIX acceptable qualified mental retardation professional (QMRP) (42 CFR 442.411) before authorization of payment for care for new approvals and admissions into the facility. This applies to all clients age 21 and older. The assessment shall be made using the criteria established under the Illinois In-Home-Care Program for the need for institutional care. These criteria can be found in the Rules of the DOA (Title 64-600-000 et seq.) DORS (89-III-Adm-Code Chapter IV-Subchapter d) and DMH/DD (proposed 59-III-Adm-Code-120).

b)    An assessment by DOA, DORS or DMH/DD is not required for an individual who has resided in a group care facility for at least the 60 days before the date of application for public assistance, nor is an assessment needed for a transfer from one facility to another. If a client has been absent from the facility for a period of 60 days or more and is

Section 140.642    Pre-Long Term Care Screening Assessment  
(Cont'd.)

readmitted to the same facility or a different facility, the client's need for long-term care services must be assessed by DOA, DORS or DMH/DD unless the client was absent from the facility due to hospitalization. If a client has been absent from the facility for less than 60 days and is readmitted to the same facility or a different facility, the client's need for long-term care services does not have to be assessed.

b)    A screening assessment is required for an individual who:

- 1) is residing in a SNF, SNF/PED, ICF, or ICF/MR at the time of becoming eligible for Medicaid benefits;
  - 2) is Medicaid eligible, requests to be admitted to a SNF, SNF/PED, ICF or ICF/MR, and did not previously reside in the facility (except as described in Subsection c and d);
  - 3) is absent from a SNF, SNF/PED, ICF or ICF/MR for a period of 30 days or more, and the reason for the absence was not to receive medical services;
  - 4) transfers from an ICF, SNF, or SNF/PED level of care to an ICF/MR level of care;
  - 5) transfers from an ICF/MR level of care to an ICF, SNF, or SNF/PED level of care;
  - 6) transfers from an ICF or SNF level of care to a SNF/PED level of care; or
  - 7) requests to be admitted to a different level of care following an absence of less than 30 days.
- c)    A screening assessment is not required for an individual who:
- 1) will be receiving sheltered care services; or
  - 2) is approved for placement by the Department in an out-of-state facility.

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

Section 140.642 Pre-Long Term Care Screening Assessment  
(Cont'd.)Section 140.642 Pre-Long Term Care Screening Assessment  
(Cont'd.)

d) A new screening assessment is not required for an individual who was previously found to be eligible for long term care services and who:

- 1) is absent from the facility for less than 30 days and returns to the same level of care;
- 2) is absent from the facility for more than 30 days to receive inpatient hospital services and returns to the same facility;
- 3) DOA or its designated agents will screen all applicants for ICF or SNF services aged 60 or over who do not meet the criteria for screening by DMH/DD, or who have been determined by DMH/DD to not be able to participate in ICF/MR or related services due to a medical condition requiring ICF or SNF care.

3) is absent from the facility for more than 30 days for therapeutic leave approved by the Department; or

- 4) No screening agent may limit an eligible applicant's ability to receive services from any facility certified to provide them, or direct or indicate a preference for the applicant to receive services from a particular facility or type of facility.

4) transfers between LTC facilities at an ICF or SNF level of care.

- 5) DPA may withdraw screening authority from an individual agent if it determines that the agent is not accurately applying screening criteria or conforming to procedures as described in this section. In such an event, DPA will first request the responsible Department to implement corrective actions. If the screening agent remains out of compliance ninety days following this request, DPA may designate an alternative agent to conduct screenings until the affected agent implements a plan of correction acceptable to DPA or the associated Department designates a new agent.

e) Designated Screening Agents

- 1) DMH/DD or its designated agents will screen all applicants for long term care whose need for long term care includes the treatment of mental illness, or mental retardation or related conditions. Mental illness shall include all disorders listed in the Diagnostic and Statistical Manual of Mental Disorders, third edition, except dementia and related disorders. Mental retardation and related disorders shall include those conditions meeting the criteria described in 42 CFR 435.1009. Agents screening applicants with mental retardation or related conditions may authorize the placement of such applicants only into an ICF/MR or SNF/PED level of care. The ICF/MR level of care encompasses services offered by facilities licensed as ICF/DD's, ICF/DD-15 and fewer, or SLC's.

2) DORS staff or its designated agents will screen all applicants for ICF, SNF or SNF/PED services under the age of 60 who do not meet the criteria for screening by DMH/DD, or who have been determined by DMH/DD to not be able to

f) Need for ICF/MR Services

- 1) The need for ICF/MR services shall be established through an assessment that demonstrates that the client has mental retardation or a related condition and has a medical (physical) condition requiring intermediate level nursing care, or is functioning below one or more developmental levels within each of three or more of the following areas:

A) Self Care.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.642 Pre-Long Term Care Screening Assessment  
(Cont'd.)

- i) Dressing and grooming - able to dress and groom self with occasional verbal prompts;
- ii) Toileting - able to toilet independently within place of residence 100% of the time;
- iii) Eating - able to eat a meal with no verbal, physical, or gestural cues required.
- B) Language - able to express self (verbally or with an alternative communication system) in phrases or sentences by someone who does not know the person.
- C) Learning - obtains an Intelligence quotient (IQ) of 55 (or above) as measured by a standardized intelligence test.
- D) Mobility - able to walk, ambulate with support equipment, or direct wheelchair over level surface; able to independently transfer if wheelchair is used; able to sit or stand without assistance if support equipment is used.
- E) Self-direction.
  - i) Activities - independently initiates appropriate leisure time, recreation, or work activities;
  - ii) Socialization - appropriately engages in social interactions with occasional verbal prompts, or does not have training in social skills identified as a program priority.
- F) Capacity for independent living.
  - i) Traffic safety - independently crosses residential street intersections appropriately (e.g., looks both ways

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.642 Pre-Long Term Care Screening Assessment  
(Cont'd.)

- and recognizes traffic signs and signals);
- ii) Self-preservation - able to independently recognize emergency situations and take appropriate actions (e.g., stops ongoing activity and exits the building in response to a fire alarm).
- 2) No applicant for ICF/MR services meeting the above criteria shall be found to be inappropriate for such services due to a need for the treatment of severe or profound sensory handicap, motor deficit, or mental retardation; nor shall such applicant be denied ICF/MR services due to age, medical needs, or non-dangerous maladaptive behavior, except as otherwise described in this Rule.
- g) Need for SNF/PED Services
  - 1) SNF/PED services will only be approved for individuals who are under the age of 21 at the time for admission to the facility.
  - 2) The need for SNF/PED services shall be established through an assessment that demonstrates that the client has a medical (physical) condition requiring skilled level nursing care; or has mental retardation or a related condition and;
    - A) has severe or profound mental retardation;
    - B) has a multihandicapping condition; and
    - C) functions at a developmental level which meets the criteria for ICF/MR admission.
- h) Need for ICF or SNF Services
  - 1) Clients with intermediate (ICF) level nursing needs are those with medical conditions which require regular medical or nursing care below a

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.642 Pre-Long Term Care Screening Assessment  
(Cont'd.)

skilled level and which prevent independent living in the absence of such care. Skilled (SNF) level care is that needed for conditions requiring 24-hour nursing care or intensive medical treatment, such as that for post-operative or bedfast patients, or those with special medical equipment or needs for constant monitoring by a professional nurse. Clients with stabilized conditions requiring less than 24-hour nursing care or limited to the periodic administration of medication are appropriate for intermediate level care. A need for a high level of personal care assistance does not meet the criteria for skilled level care.

2) For mentally ill clients, the need for ICF or SNF services shall be established through an assessment that demonstrates that the client has a medical (physical) condition requiring intermediate or skilled level nursing care. If the client does require ICF or SNF services, the assessment shall also establish if active treatment for mental illness is required.

3) The need for ICF or SNF services for all other clients shall be established by demonstrating that the client has obtained a minimum of twenty-eight (28) points on an assessment with the Determination of Need Instrument described in Section 240.422 of the Administrative Rules of the Department of Aging. A minimum of eighteen points must also be scored on Part A of this instrument.

i) Date of Payment

1) Any assessment is valid for 60 days from the date of the assessment. Additional assessments may be conducted within any 60 day period if the screening agent judges that it is merited by a change in the client's medical or developmental status.

et 2) No payment for long term care services will be made on behalf of clients whose certification

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.642 Pre-Long Term Care Screening Assessment  
(Cont'd.)

assessments show no need for such care, unless both the screening assessment and a physician's certification, as described in Section 140.514, document a need for such care. Where the assessment and the certification do not establish this need, the client may request a licensed physician designated by the Department, after reviewing to review the medical reports and any other evidence the client wishes to submit, and certifies certify that there is a need for long term care in the individual case. The client will be notified of his/her right to this review.

3) For clients who have established Medicaid eligibility prior to admission to a facility:

A) If the assessment and physician certification are made prior to admission to a facility, payment will be made from the date of admission if the assessment and certification indicate the need for such care.

B) If an assessment or certification is not made prior to admission, payment for nursing home care will only be made from the latter of the date of the assessment or certification unless the assessment and certification occur within 30 days of admission and:

i) The client directly entered an Illinois long term care facility from out of State; or

ii) The client was placed in the facility on an emergency basis due to the sudden loss of an existing care giver;

in which case payment will be made from the date of admission.

4) For clients whose application for Medicaid is pending final determination on the date of admission to a facility:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.642 Pre-Long Term Care Screening Assessment  
(Cont'd.)

A) If the assessment and certification are made prior to admission to a facility, payment will be made from the latter of the date of admission or the effective date of Medicaid eligibility.

B) If an assessment and certification are not made prior to admission, payment for nursing home care will only be made from the latter of the date of the assessment or of the certification unless the assessment and certification occur within 30 days of admission and:

i) The client directly entered an Illinois long term care facility from out of State; or

ii) The client has placed in the facility on an emergency basis due to the sudden loss of an existing care giver;

in which case payment will be made from the latter of date of admission or the effective date of Medicaid eligibility.

5) For clients who apply for Medicaid after admission to a facility:

A) If an assessment and a physician certification are completed within 30 days of application, payment for nursing home care will be made from the latter of the date of admission or the effective date of Medicaid eligibility.

B) If an assessment and a certification are not made within 30 days of application, payment for nursing home care may only be made from the latter of the dates that an assessment and a certification have been completed.

(Source: Amended at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of Part: Cancellation, Revocation and Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Numbers Proposed Action

1040.70

Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Sections 6-202, 6-203 and 6-204 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-202, 6-203 and 6-204).

5) Complete Description of the Subjects and Issues Involved: This rulemaking deletes the language in subsection (g) which allows a person to request a RDP whose full driving privileges are not restored after cancellation pursuant to information from NDR. This provision is contrary to 92 Ill. Adm. Code 1001.420(j).

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes X No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
1040.66	New Section	12 Ill. Reg. 15947 (October 7, 1988)
1040.30	Amendment	12 Ill. Reg. 17259 (October 28, 1988)
1040.40	Amendment	12 Ill. Reg. 17259 (October 28, 1988)

10) Statement of Policy Objectives: This amendment has no effect on local units of government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

## NOTICE OF PROPOSED AMENDMENT

Carolyn M. Taft  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel that this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the Proposed Rule(s) begins on the next page:

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Conviction
1040.20	Illinois Traffic Offense Table
1040.30	3 or more Traffic Offenses Within 12 Months
1040.32	Suspension or Revocation of Licenses or Permits Used Fraudulently
1040.35	Commission of Offense Requiring Mandatory Revocation Upon Conviction
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Conviction or Collision
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident & Personal Injury Suspension
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License or Commercial Vehicle Driver
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.70	National Driver Register

**AUTHORITY:** Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

**SOURCE:** Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 11 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Boldface type denotes statutory language.



## NOTICE OF PROPOSED AMENDMENTS

## Section 1040.70 National Driver Register

- a) For purposes of this Section, the following definitions shall apply:
- "Applicant" - person applying for an Illinois driver's license.
- "Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license since his/her driving privileges are suspended or revoked in another state as provided for in Section 1040.20 of this Part, and as defined in Section 1-110 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-110).

"Clearance Letter" - any document received from another state verifying that an individual has had his or her driving privileges restored in that state.

"Conviction" - a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100).

"Department" - Department of Driver Services within the Office of the Secretary of State.

"National Driver Register" - files on drivers maintained by the U. S. Department of Transportation National Highway Safety Administration.

"Open or Pending Revocation(s)" - revocation(s) which is still in effect or which has been entered on the record to become effective on a specified future date.

"Restricted Driving Permit" - permit granting limited driving privileges to persons who have had their driving privileges suspended, revoked, or cancelled as defined in Section 1-173.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-173.1).

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the

## NOTICE OF PROPOSED AMENDMENTS

Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-176).

"Secretary" - Illinois Secretary of State.

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-204).

"Termination of Suspension" - suspension which has ended.

- b) National Driver Register (NDR) information shall be requested by the Department from the United States Department of Transportation National Highway Traffic Safety Administration verifying if an applicant has been denied driving privileges or has had his/her driving privileges withdrawn in another state. The Secretary shall then contact the other state to confirm the information received from the National Driver Register.

- c) Where a determination is made that the new applicant is not eligible for an Illinois license due to his/her driving privileges being withdrawn in another state, the Department shall cancel the driver's license and/or permit pursuant to Section 6-201(a)(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201(a)(5)).

- d) If a person has falsified information on his/her application for a driver's license, he/she shall be suspended for twelve (12) months if it is his/her first offense. If it is his/her second offense or if the driving record contains an open or pending revocation(s), his/her driving privileges shall be revoked.

- e) If the person has been denied driving privileges or has his/her driving privileges withdrawn by a state other than Illinois, certain information shall be required from the other state. An acceptable document is an abstract of the person's driving record and/or a copy of the conviction upon which the other state's action was based if the other state's action was based on a conviction.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

a) The Department shall contact the other state to determine the accuracy of the information reported by the National Driver Register and to determine if the person has had his/her driving privileges restored.

b) After cancellation, full driving privileges shall not be restored until after restoration in the other state and a clearance letter is received by the Department. If full driving privileges are not restored, the Department may apply for a restricted driving permit (RDP) as provided in Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(c)).

b) If a person's driving privileges have been suspended, his/her driving privileges shall be restored at the termination of the suspension and upon acceptance of the required reinstatement fee as provided for in Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118). If a person's driving privileges have been revoked, he/she is eligible to be considered for reinstatement of his/her driving privileges after the expiration of at least one year after the date of revocation and upon acceptance of the required reinstatement fee.

(c) Amended at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Parts: Certificates of Title, Registration of Vehicles

2) Code Citation: 92 Ill. Adm. Code 1010

3) Section Number: Proposed Action:

1010.20	New Section
1010.452	New Section
1010.455	New Section
1010.456	New Section

4) Statutory Authority: Sections 2-104(b) and 3-601 et seq. of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b) and 3-601 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes the criteria for the issuance of special event license plates, collectible license plates, and sample license plates issued to motion picture and television studios.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No, this rulemaking does not contain incorporations by reference.

9) Are there any other amendments pending on the part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1010.440	New Section	12 Ill. Reg. 16432 (October 14, 1988)

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Philip S. Howe  
Counsel to the Secretary  
Centennial Building, Room 298  
Springfield, Illinois 62756  
(217) 785-3094



NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed amendment has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the Proposed Rule begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section  
1010.10  
1010.20

Owner--Application of Term  
Secretary and Department

SUBPART B: TITLES

Section  
1010.110

Salvage Certificate-Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate  
Salvage Certificate-Assignments and Reassignments  
Exclusiveness of Lien on Certificate of Title  
Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards

Transferring Certificates of Title Upon the Owner's Death  
Repossession of Vehicles by Lienholders and Creditors

SUBPART C: REGISTRATION

Section  
1010.210  
1010.220  
1010.230  
1010.240  
1010.250

Application for Registration  
Vehicles Subject to Registration - Exceptions  
Refusing Registration or Certificate of Title  
Registration Plates To Be Furnished By The Secretary of State  
Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section  
1010.300  
1010.310  
1010.320  
1010.330  
1010.350  
1010.360

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration  
Improper Use of Evidences of Registration  
Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles  
Operation of Vehicle Without Proper Illinois Registration  
Suspension or Revocation  
Surrender of Plates, Decals or Cards

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART E: SPECIAL PERMITS AND PLATES

Section  
 1010.410 Temporary Registration - Individual Transactions  
 1010.420 Temporary Permit Pending Registration in Illinois  
 1010.450 Special Plates  
 1010.452 Special Event License Plates  
 1010.455 Collectible License Plates  
 1010.456 Sample License Plates For Motion Picture and Television Studios  
 1010.460 Special Plates for Members of the United States Armed Forces Reserves  
 1010.470 Dealer Plate Records  
 1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

Section  
 1010.510 Determination of Registration Fees  
 1010.520 When Fees Returnable  
 1010.530 Circuit Breaker Registration Discount  
 1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

## SUBPART G: MISCELLANEOUS

Section  
 1010.610 Unlawful Acts, Fines and Penalties  
 1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

Section  
 1010.705 Reciprocity  
 1010.710 Vehicle Proration  
 1010.715 Proration Fees  
 1010.720 Vehicle Apportionment  
 1010.725 Trip Leasing  
 1010.730 Intrastate Movements, Foreign Vehicles  
 1010.735 Interline Movements  
 1010.740 Trip and Short-term Permits  
 1010.745 Signal 30 Permit for Foreign Registered Vehicles  
 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles  
 1010.755 Mileage Tax Plates  
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates  
 1010.760 Transfer for "For-Hire" Loads  
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Plates

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements  
 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement  
 APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; emergency rule at 2 Ill. Reg. 25, p. 119, effective June 14, 1978 for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency rule at 4 Ill. Reg. 21, p. 99, effective May 14, 1980 for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 10 Ill. Reg. 1243, effective September 13, 1985; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1010.20 Secretary and Department

- a) For purposes of this Part, "Secretary" shall refer to the Illinois Secretary of State.
- b) For purposes of this Part, "Department" shall refer to the Department of Vehicle Services within the Office of the Secretary of State.
- (Source: Added at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1010.452 Special Event License Plates

- a) For purposes of this Section, the following definitions shall apply:

"License Plate Contractor" - a business currently under contract with the Secretary of State which manufactures the license plates for the Secretary of State.



## NOTICE OF PROPOSED AMENDMENTS

"Special Event Plates" - license plates issued for commemorative purposes which can be displayed on motor vehicles in accordance with Section 3-808(f) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-808(f)).

- b) Applications for Special Event plates may be sent in care of the Plate Control Division of the Department, to have plates issued for display on Illinois registered vehicles in order to promote or recognize an event in Illinois. In order to apply for the Special Event plates, the applicant shall do the following:

- 1) Submit a written request for approval of Special Event plates, addressed to the Secretary, on letterhead of the requesting organization.
- 2) Submit the application at least one hundred fifty (150) days before the event.

- c) The Secretary shall establish criteria to be met before applications for Special Event plates will be approved, and may establish limits upon the total number of Special Event plates that may be approved in a single calendar year. Preference shall be granted by the Secretary to events of national significance. Applications may be rejected on the basis of past non-compliance with Special Event plate rules or because, in the opinion of the Secretary, the primary use of the plates by the organization will be for fund-raising.

- d) Upon approval of the Special Event plate request, the organization shall submit plate design artwork to the Plate Control Division, preferably in camera-ready form. The Department shall have the right to use any plate designs or pictures of finished plates without prior notice for any purpose related to the administration of the special event license plate program, including but not limited to the promotion of the program by the Department. The design for the Special Event plates shall meet the following criteria:

- 1) To meet statutory requirements, the design of the plates shall contain the word "ILLINOIS," the plate year, the date of the event, and the phrase "LAND OF LINCOLN," pursuant to Sec. 3-412 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-412). During even-numbered years, "LAND OF LINCOLN" shall appear on the top of the plate and the year and "ILLINOIS" on the bottom. The order is reversed in odd-numbered years. If submitted as camera-ready art, none of these four required elements of the design, nor the

## NOTICE OF PROPOSED AMENDMENTS

colored outline around the edge of the plate, shall be included in the actual art.

- 2) The design shall, in the opinion of the Department, be in good taste and exhibit decency.

- 3) The design shall differ significantly in both design and color from the design of a Special Event plate used by the same organization in the immediately preceding year.

- e) Pursuant to Section 3-808(f) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-808(f)), the total number of plates issued for a special event shall not exceed 200 pairs. The amount of charges for the manufacture of Special Event plates is determined by the license plate contractor. The organization shall be responsible for the payment of manufacturing and, if necessary, shipping charges. Billing and payment for the plates is directly between the license plate contractor and the organization.

- f) The sponsoring organization is responsible for registering with the Plate Control Division of the Department all vehicles issued Special Event plates, and for monitoring plate recipient compliance with rules regarding their display. The organization shall observe the following guidelines for registration of vehicles:

- 1) The Special Event plates shall only be displayed on passenger cars or trucks or vans with an RV or "B" registration. The plates shall not be displayed more than sixty (60) days prior to the event, including the days during which the event is in progress, nor shall the plates be displayed after the last day of the event.
- 2) The sponsoring organization shall furnish the Department a completed registration assignment listing of the Special Event plates issued four (4) business days prior to the date that the plates are to be displayed. The listing shall include:

- i) the Special Event plate number issued,
- ii) the vehicle's Illinois license plate number,
- iii) the name of the vehicle's registered owner,
- iv) the registered owner's address,
- v) the year, make and vehicle identification number.

- 3) While the Special Event plate is being displayed, the regularly assigned license plate and the Registration Identification Card shall remain in the vehicle and be made available for inspection upon demand of a law enforcement officer.

## NOTICE OF PROPOSED AMENDMENTS

- 4) A Special Event plate shall not be transferred to another vehicle once it has been assigned and registered with the Plate Control Division of the Department.
- 5) The Department reserves the right to revoke authorization for Special Event plates if the organization has failed to comply with established regulations.

(Source: Added at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1010.455 Collectible License Plates

- a) For purposes of this Section, the following definitions shall apply:

"Collectible Plates" - license plates issued for commemorative purposes which cannot be displayed on a motor vehicle. This type of plate is solely for use as a collectible item.

- b) Written requests may be directed to the Plate Control Division of the Department to apply for approval of Collectible plates. Requests shall be submitted at least ninety (90) days before the plates are needed by the applicant.

- c) A preliminary illustration of the design for the Collectible plate shall be submitted with the letter of request. The design for the plate shall meet the following criteria:

- 1) the design is such that it will not, in the opinion of the Department, be confused with or interpreted as a valid Illinois license plate;
- 2) the phrase "LAND OF LINCOLN" does not appear in the plate design;
- 3) the word "COLLECTIBLE" appears in the design;
- 4) number and/or letters are not embossed as part of the plate design and the plates are not sequentially numbered; and
- 5) the plate design is, in the opinion of the Department, in good taste and exhibits decency.

- d) Designs for requested Collectible plates shall meet the criteria to be approved. In addition, the Director of Vehicle Services may, from time to time, set limits upon the total number of Collectible plates that may be issued in a single calendar year. Approval of requests for Collectible plates shall be at the discretion of the Director.

## NOTICE OF PROPOSED AMENDMENTS

- e) Final artwork shall be provided within a reasonable time for Collectible plates approved by the Director of Vehicle Services, preferably in camera-ready form. The Department shall have the right to use any plate designs or pictures of finished plates without prior notice for any purpose related to the administration of the Collectible plate program, including but not limited to the promotion of the program by the Department.

- f) The amount of charges for the manufacture of Collectible plates is determined by the license plate contractor. The organization shall be responsible for the payment of manufacturing and, if necessary, shipping charges. Billing and payment for the plates is directly between the license plate contractor and the organization.

(Source: Added at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1010.456 Sample License Plates For Motion Picture and Television Studios

- a) For purposes of this Section, the following definitions shall apply:

"Division" - Plate Control Division within the Vehicle Services Department of the Office of the Secretary of State.

"Live' License Plate" - a license plate which has been made and is being used by an Illinois motorist or could be used because it is contained in the Division's inventory.

"Plate Owner" - person who was assigned the license plate number by the Department for purposes of registration.

"Sample License Plates" - license plates issued pursuant to Section 3-619 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95%, par. 3-619).

- b) Any motion picture or television studio (film company) that wishes to use Illinois license plates as props shall send their request in writing on the film company's letterhead to the Division of the Department.

- c) Before the plates to be used as props may be mailed to the film company, a signed usage agreement shall be submitted to the Division. The following agreements shall be specified in the usage agreement:

- 1) the applicant shall submit the proper fee specified in Section 3-619 of the Illinois Vehicle Title and Registration law of the Illinois Vehicle Code;



## NOTICE OF PROPOSED AMENDMENTS

- 2) the applicant shall only use the license plates on the public streets and highways of Illinois during filming unless arrangements have been made with the proper law enforcement agency to travel to a different filming location; and
- 3) the purported license plates shall not be considered actual license plates under the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code and are for artistic purposes only.
- d) A film company requesting license plates with fictitious numbers may manufacture the license plates themselves after they receive approval from the Division. If the film company requests that the plates be manufactured through the Division, the requesting film company shall furnish a sample and/or picture of the desired plate if the Division's file does not contain information on the specific plate.
- e) A request can be made for "live" license plates. If the written request for a "live" license plate is for a plate number issued to an Illinois motorist, the Division shall obtain approval for the use of the plate number from the plate owner. Once approval is obtained from the plate owner, a letter is sent to the owner confirming his/her approval. The letter shall inform the plate owner the plates will not be used on public streets and highways as a regular registered vehicle but only as props for filming purposes. Also his/her right of re-assignment is protected as provided in Section 3-421 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-421).

- f) A request can also be made for sample vanity and personalized plates. These plates are considered "live" plates and can be new purchases or duplicates of issued plates. If the film company wishes to use a vanity/personalized plate already issued to a motorist, the same procedure outlined in subsection e shall be followed. If the film company wishes to drive a vehicle displaying vanity/personalized plates on public streets or highways for purposes other than the making of a film, the vehicle shall be titled and registered in Illinois pursuant to Section 3-402(A) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-402(A)).

(Source: Added at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## NOTICE OF PROPOSED RULE

- 1) Heading of Parts: Remittance Agents
- 2) Code Citation: 92 Ill. Adm. Code 1019
- 3) Section Number:

1019.5	Proposed Action:
1019.10	New Section
1019.20	New Section
1019.30	New Section
1019.35	New Section
1019.40	New Section
1019.45	New Section
- 4) Statutory Authority: Section 2-104(b) and 3-900 et seq. of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 2-104(b) and 3-900 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes the criteria for the recordkeeping of remittance agents. It also establishes criteria for submitting the transaction to the Department.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No, this rulemaking does not contain incorporations by reference.
- 9) Are there any other amendments pending on the part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Philip S. Howe  
Counsel to the Secretary  
Centennial Building, Room 298  
Springfield, Illinois 62756  
(217) 785-3094

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary has decided to submit this proposed amendment to the Small Business Office of the Department of Commerce and Community Affairs. This rulemaking may effect small businesses (i.e. remittance agents).

The full text of the Proposed Rule begins on the next page:

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE  
PART 1019  
REMITTANCE AGENTS

Section	Definitions
1019.5	Application for Remittance Agent License and Renewal
1019.10	Denial of Application for Remittance Agent's License
1019.20	Suspension and Revocation of Remittance Agents' Licenses
1019.30	Processing Transactions
1019.35	Recordkeeping Requirements
1019.40	Severability Clause
1019.45	

AUTHORITY: Implementing Section 3-900 et seq. and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-900 et seq. and 2-104(b)).

Source: Adopt at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

## Section 1019.5 Definitions

- a) For purposes of this Part, the following definitions shall apply:

"Applicant" - person requesting that a title and/or registration be issued in his/her name.

"Department" - Department of Vehicle Services within the Office of the Secretary of State.

"Financially Sound" - solvent and able to pay expenses and debts as due.

"Fraudulent Activity" - any activity in which a person knowingly falsifies information.

"Good Business Integrity" - soundness or good moral principle and character in business dealings.

"Immediate Family" - spouse, offspring, sibling, or parent.

"Licensee" - a licensed remittance agent.



## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

"Revocation" - the termination by formal action of a person's license to operate as a remittance agent.

"Secretary" - Secretary of the State of Illinois.

"Suspension" - the temporary withdrawal by formal action by the Secretary of a person's license to operate as a remittance agent for thirty (30) days pending compliance and re-audit.

"Transaction" - an application for title and/or registration of a vehicle, any supporting documents and fees for remittance to the Department.

## 1019.10 Application for Remittance Agent License and Renewal

- a) If a person wishes to become a remittance agent, he/she shall file an application and bond pursuant to Sections 3-904 and 3-905 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-904). The application shall be filed with the office as set forth in subsection (g) of this Section.

- b) The notarized application shall contain the following information:

- 1) the previous year's license number if the person is currently licensed as a remittance agent;
- 2) the name of the business;
- 3) the location of the business;
- 4) the applicant's home address, home telephone number and business telephone number;
- 5) the applicant's business, occupation or profession;
- 6) the total amount of cash, checks or money orders made payable to the remitter received for remittance to the State in the highest 15 day period in the preceding year if the person is currently licensed;
- 7) whether the applicant, a member of his/her immediate family, or an employee of the applicant is an employee of the Secretary of State;

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

- 8) whether the applicant has ever been involved in civil or criminal litigation and if so, the type of litigation, the date and suit or charge, the court in which the matter was heard, the style or caption of the case, the disposition of the matter, and if the judgment has been satisfied; and
- 9) a list of the employees.

- c) A surety bond shall be posted for each location that the applicant intends to do business as a remittance agent. Each bond shall be for \$10,000 or in the amount of cash, checks or money orders made payable to the remitter received for remittance to the Department during the highest 15 day period in the year preceding the year for which the license is applied, whichever is greater. The bond shall be issued by a bonding or insurance company authorized to do business in Illinois. The Department shall use a list issued by the Department of Insurance to determine if the bonding or insurance company is authorized to issue the bond.

- d) The applicant shall also submit the statutory fee provided in Section 3-905 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code for application. A license is issued for a period of one year terminating on December 31 each year.

- e) A remittance agent wishing to renew his/her license shall submit the material required by this Section to the Department between September 1 and December 31 of the year before the new license will become effective.

- f) All remittance agent license applications and corresponding materials should be submitted to:

Office of the Secretary of State  
Special Services Division  
Centennial Building, Room 108  
Springfield, Illinois 62756

- g) The Department will make available the application form to any person who requests one. Only the Department's form shall be accepted to apply for a license to operate as a remittance agent.

## Section 1019.20 Denial of Application for Remittance Agent's License

- a) Pursuant to Section 3-906 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906), the Department shall deny an

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

application for remittance agent's licenses under certain circumstances. If a person is denied, he/she shall be sent his/her application and a notice of the denial by certified mail within two (2) weeks of the date the application was submitted. The notice shall contain the reason for the denial and inform the applicant of his opportunity to request an administrative hearing to contest the denial pursuant to 92 Ill. Adm. Code 1001.

b) Renewal of a remittance agent's license shall be denied if upon investigation it is discovered that the remittance agent is not financially sound and/or of good business integrity or is otherwise ineligible for a license as provided in Section 3-906 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906). Auditors from the Department of Accounting Revenue within the Office of the Secretary of State shall conduct yearly inspections which includes but is not limited to examination of the temporary permits and the bond amounts. The auditors shall also be authorized by the Department to inspect the remittance agent's business records and to report any irregularities to the Department. Any further investigation shall be conducted by the Department of Police within the Office of the Secretary of State.

c) The Department shall consider written complaints (i.e. from family, friends, neighbors, business associates, customers, other agencies, and the auditors from the Department of Accounting Revenue) in denying a remittance agent's license. Upon receipt of a complaint, the Secretary of State police shall investigate the matter. If upon this investigation it is discovered that a basis for denial exists, the remittance agent's current license shall be suspended or revoked as provided in Section 1019.30 if he/she is currently licensed as a remittance agent.

## Section 1019.30 Suspension and Revocation of Remittance Agent's Licenses

a) Pursuant to Section 3-907 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-907), the Department shall suspend a person's remittance agent's license under the following circumstances:

1) he/she fails to keep records as provided in Section 3-910 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-910);

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

2) he/she fails to furnish information requested by the Department or file a bond as required by Section 3-905 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-905); or

3) it is discovered that he/she or a member of his/her immediate family is an employee of the Secretary of State.

b) The suspension shall remain in effect for thirty (30) days during which an audit shall be conducted to determine compliance with Section 3-900 et seq. of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900 et seq.). If he/she has come into compliance, his/her remittance agent's license shall be restored. If the remittance agent has not come into compliance, he/she shall have his/her remittance agent privileges revoked.

c) A person shall have his/her remittance agent's license revoked under the following circumstances:

1) he/she attempts to do business or does business as a remittance agent while his/her privileges are suspended or revoked;

2) he/she fails to remit the proper fees to the Department or the Illinois Department of Revenue or the check submitted to the Department or the Illinois Department of Revenue is returned by the bank because of insufficient funds and if he/she fails to submit the proper fees within ten (10) days after a written request by the Department;

3) he/she engages in a fraudulent activity or forgery while operating as a remittance agent as determined by the Department after an investigation;

4) he/she is guilty of violating any provision of Chapters 2, 3 or 4 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-100 et seq., 3-100 et seq., and 4-100 et seq.) or Section 439.1 et seq. of the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.1 et seq.) or Section 439.102 et seq. of the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 95½, par. 439.102 et seq.);

5) he/she has been suspended two (2) times or more in one year; or

## NOTICE OF PROPOSED RULE

- 6) he/she has been convicted of a felony.
- d) The Department shall consider written complaints (i.e. family, friends, neighbors, business associates, customers, other agencies, and auditors from the Department of Accounting Revenue) in determining whether a remittance agent's license shall be suspended or revoked. Upon receipt of a complaint, the Department of Police within the Office of the Secretary of State shall investigate the matter to determine if a basis exists under this Section for a suspension or revocation.
- e) A revocation shall be for at least one year. The remittance agent shall be notified by certified mail that his/her license to operate as a remittance agent is going to be revoked. The notice shall contain the effective date of the revocation, the violation which is the cause of the revocation, and how he/she can contest the revocation. The remittance agent shall be given ten (10) days from the date of the notice before the revocation will become effective. In order to be reinstated following a revocation, the person shall request an administrative hearing as provided in 92 Ill. Adm. Code 1001.10 et seq. The person's remittance agent license shall not be restored until the Secretary is satisfied that he/she will comply with the provisions of Section 3-900 et seq. of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code and is of good business integrity.
- f) If a person wishes to contest the suspension or revocation of his/her remittance agent's license, he/she shall request an administrative hearing pursuant to Section 3-907 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-907) and 92 Ill. Adm. Code 1001.

## Section 1019.35 Processing Transactions

- a) Applications for title and registration submitted to the Department by persons acting as remittance agents are processed at the following addresses:

- 1) Office of the Secretary of State  
Chicago West Facility  
5301 West Lexington Avenue  
Chicago, Illinois 60644
- 2) Office of the Secretary of State  
Chicago North Facility  
5401 North Elston Avenue  
Chicago, Illinois 60630

## NOTICE OF PROPOSED RULE

- 3) Office of the Secretary of State  
Charles Chew Facility  
9901 South King Drive  
Chicago, Illinois 60628
- 4) Office of the Secretary of State  
Vehicle Services Department  
Centennial Building, Room 011  
Springfield, Illinois 62756

b) The business hours are from 7 a.m. until 4:30 p.m. on Monday through Friday at the Centennial Building in Springfield. At the Chicago West, North and Charles Chew Facilities the business hours are from 8 a.m. to 4:30 p.m. on Monday, Tuesday, Thursday and Friday and from 12 noon until 8 p.m. on Wednesday. The applications may also be processed by mailing them to the following address:

Office of the Secretary of State  
Vehicle Services Department  
Centennial Building  
Springfield, Illinois 62756

c) All transactions shall be delivered to the Department within five (5) days of receipt by the remittance agent. Failure to comply with this Section shall be grounds for suspension or revocation of the remittance agent's license.

d) Any person who picks-up or receives transactions from other remittance agents, dealers, currency exchanges, financial institutions or any other person exempt from being licensed as a remittance agent under Section 3-902 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-902) shall be considered a remittance agent under provisions of Section 3-900 et seq. of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900 et seq.) and required to be licensed in accordance with this Part.

e) The names of all employees of the remittance agent shall appear on the remittance agent's license application. Such persons shall be issued I.D. cards authorizing them to process transactions at authorized Secretary of State facilities. Any person without an I.D. card shall not be allowed to process transactions. The Department shall be notified in writing of any changes in personnel, business location, and/or the business name during the



## SECRETARY OF STATE

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

## NOTICE OF PROPOSED RULE

licensing year within ten (10) calendar days of the occurrence of the change.

- f) No remittance agent shall employ any individual who is employed by the Department or by the Office of the Secretary of State or a member of his/her immediate family employed by the Department or the Office of the Secretary of State. This prohibition shall not apply to persons employed by a remittance agent prior to April 10, 1983 and the name of any employee within this exception shall be reported to the Department within thirty (30) days of the effective date of this rule.

- g) Any remittance agent delivering a transaction to the Department shall stamp his/her remittance number in the designated space on the front of the application. Any other remittance agent involved in the transaction shall stamp his/her remittance agent number on the back of the application.

- h) The fee submitted to the Department shall be applied to the corresponding applications. Failure of the remittance agent to affix the check or money order to the proper application shall result in the rejection of the transaction.

## Section 1019.40 Recordkeeping Requirements

- a) Each person licensed as a remittance agent as defined in Section 3-900 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900) shall maintain for a period of three (3) years a record of each transaction involving a remittance to the Department.

- b) The records shall be maintained in ledger form or be computerized. If computerized, the records should be available to the auditors from the Accounting Revenue Department or the officers from the Department of Police within thirty (30) minutes of a request. The records should contain the following information:

- 1) The name and address of the remittance agent. If the remittance agent has more than one licensed location, the records shall reflect the location where the transaction was received, processed, or where the records are kept.
- 2) The name and address of the applicant submitting the transaction. If a remittance agent does not make the initial contact with the applicant but receives a transaction from another remittance agent, dealer, currency

exchange, or financial institution, the second remittance agent shall record the original applicant's name and address and that of the initiating remittance agent, dealer, currency exchange, or financial institution.

- 3) The address of the Secretary of State facility to which the transaction is delivered. If the transaction is delivered to another remittance agent for delivery to the Department, the name and address of the second remittance agent shall be recorded by the first remittance agent.

- 4) The type of application that the transaction involves.

- 5) The amount of fee received by the remittance agent for delivery to the Department for each transaction. The funds shall be identified as "cash," "check," or "money order" payable to the Secretary of State, or "check" or "money order" payable to the remitter.

- 6) The amount of fee received by the remittance agent for delivery to the Department of Revenue. The funds shall be identified as "cash," "check" or "money order" payable to the Department of Revenue, or "check" or "money order" payable to the remitter.

- 7) The date the fee and transaction were received by the remittance agent.

- 8) The date the fee and transaction were delivered to the Department and the method of delivery.

- 9) The date that the registration plate and/or sticker was delivered to the applicant or initiating remittance agent, dealer, currency exchange or financial institution if applicable. If it is the policy of the remittance agent to have the applicant pick-up the registration plate and/or sticker, the date that the applicant was notified of its availability, the method of notification, and date the items were picked up shall be recorded.

## Section 1019.45 Severability Clause

- a) If any clause or Section of this Part or the application of any provision of this Part to any person or circumstance is rendered unconstitutional, the remainder of this Part or its application to other persons and circumstances shall not be affected. Each

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULE

clause shall be severable without rendering the rest of the Part invalid. Likewise, each application of the Part shall be severable without rendering future applications invalid.

## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Energy Assistance
- 2) Code Citation: 83 Ill. Adm. Code 281
- 3) Section Numbers:

281.15	Amendment	<u>Adopted Action:</u>
281.22	Amendment	
281.30	Amendment	
281.40	Repealed	
281.45	Amendment	
281.47	Repealed	
281.60	Amendment	
281.70	Amendment	
281.95	Amendment	
281.210	Repealed	
281.EXHIBIT B	Repealed	
281.EXHIBIT C	Repealed	
281.EXHIBIT E	Amendment	
281.EXHIBIT F	New Section	
281.EXHIBIT G	New Section	
281.EXHIBIT H	New Section	
281.APPENDIX A	Amendment	
- 4) Statutory Authority: Implementing Sections 4 and 5 and authorized by Sections 4 and 6 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1304, 1305, and 1306) and Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).
- 5) Effective Date of Amendments: November 15, 1988
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: October 26, 1988
- 9) Notice of Proposal in Illinois Register:  
December 11, 1987 at 11 Ill. Reg. 19989
- 10) Has JCAR issued a Statement of Objection to these amendments?  
No.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

## 11) Differences between proposal and final version:

Section 281.15: New definition of "Applicant" included.

Section 281.15: Citation to 47 Ill. Adm. Code 100.30 included in definition of "Household income."

Section 281.15: "or 'LAA'" added to definition of "Local administering agency."

Section 281.15: The last sentence of the definition of "Shortfall" is being retained in altered form.

Section 281.22(c): "shall within 5 working days" changed to "shall within the same 30 days" and the applicant and" added in the first sentence.

Section 281.22(c): In the fourth sentence, "may deny" changed to "may disapprove."

Section 281.22(c): In the fifth sentence, "shall within 5 working days notify the utility" changed to "shall within the same 30 days notify the applicant and the utility."

Section 281.22(c): In the sixth sentence, "5 working days" changed to "39 days of receipt of the completed application"; "of such disapproval in writing" changed to "in writing of such disapproval and the reasons for disapproval."

Section 281.22(g): The word "customer" has been changed to "applicant" throughout the subsection; "the waiver portion of" deleted from the first sentence.

Section 281.22(g): The last sentence has been split into two sentences, with "the 14 day period following the postmark date" having been added.

Section 281.45: "Utility Action Relating to" added to Section heading.

Section 281.45(a): The second sentence has been rewritten. The last sentence now ends after "April 30," and "between November 1 and" replace with "by."

Section 281.45: Subsections (b) and (c) (material previously in Section 281.47) have been added.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

Section 281.47: This Section is now being repealed.

Section 281.70(b): The last sentence of the subsection, which was inadvertently omitted from the first notice, has been added back.

Section 281.70(d)(1): "containing the information specified in either Exhibit G or H, whichever is appropriate," added to the first sentence.

Section 281.70(d)(1): The second sentence has been modified.

Section 281.70(d)(1)(A): Subsection rewritten.

Section 281.70(d)(1)(B): The version in the first notice has been eliminated. The version in the second notice is a rewritten version of what had been subsection (d)(1)(c).

Section 281.70(d)(2): The subsection no longer refers to Section 281.70(d)(1)(C).

Section 281.95: The originally proposed language has been deleted except for proposed subsection (d) which is now subsection (b). The Section now refers to 47 Ill. Adm. Code 100.

Appendix A(b)(3): Reference to Part 281 replaced with a reference to 47 Ill. Adm. Code 100. "formal" corrected to "informal."

Appendix A(c)(12): In the first sentence "within 5 working days notify the utility" changed to "within the same 30 days notify the applicant and the utility."

Appendix A(c)(12): In the third sentence, "deny" has been changed to "disapprove."

Appendix A(c)(12): In the fourth sentence, "within 5 working days notify the utility" has been changed to "within the same 30 days notify the applicant and the utility."

Appendix A(c)(12): In the fifth sentence, "within 5 working days has been changed to "within 30 days of its receipt of the completed application"; and "and reasons for disapproval" added.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Exhibit E: Item 4 and Item 8 being modified. Placement of the waiver changed. "Consumers Affairs Division" changed to "Consumer Assistance Office."

Exhibit F is new material.

Exhibit G contains modified material that was originally proposed as Exhibit F.

Exhibit H now contains a reference to Section 281.70(d)(1)(B).

Section 281.22(c): Add "(see 47 Ill. Adm. Code 100.120)" after "applicant's eligibility" at the end of the first sentence.

Section 281.45(c): Add "(see 47 Ill. Adm. Code 100.120)" in the last line after "Section 281.30(a)(1)."

Section 281.95(b): Add "pursuant to 47 Ill. Adm. Code 100" after "by the LAA."

Section 281.22(b): Add back "When the utility...83 Ill. Adm. Code 280.130(f)" which had been inadvertently omitted from the first notice.

Exhibit H: Delete the word "of" in line 3.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: This rulemaking is in response to amendments to the Energy Assistance Act contained in P.A. 85-122, 85-261, and 85-360.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
(217)785-3922

The full text of Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Sections 4 and 5, and authorized by Sections 4 and 6 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1304, 1305 and 1306), and Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 19190, effective December 1, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7711, effective April 29, 1986; amended at 11 Ill. Reg. , effective April 15, 1987; amended at 12 Ill. Reg. 19664 , effective November 15, 1988.

NOTE: Statutory language is denoted by capital letters.

Section 281.15 Definitions

For the purpose of this Part:

"Act" means the Energy Assistance Act (Ill. Rev. Stat. 19857, ch. 111 2/3, par. 1301-1308).

"Applicant" means an individual who applies for ~~residential gas or electric utility service~~ the Illinois Residential Affordable Payment Program.

"Arrearages" means any amount owed by eligible customers prior to entering into the program for the first time.

"Customer" means a person who has agreed to pay for utility service which is being provided.

"Default" means failure to make a payment by the due date established in accordance with 83 Ill. Adm. Code 280.90.

"Household" means any individual or group of individuals with a common living space and kitchen.

"Household income" means the income for all persons who comprise a household as determined by the Illinois Department of Commerce and Community Affairs (47 Ill. Adm. Code 100.30).

"Local administering agency" or "LAA" means an agency which has agreed with the Department of Commerce and Community Affairs to administer the IHEAP program in a given locality under 47 Ill. Adm. Code 100.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 281

ENERGY ASSISTANCE

SUBPART A: ILLINOIS RESIDENTIAL AFFORDABLE PAYMENT PROGRAM

- Section
- 281.10 Application
- 281.15 Definitions
- 281.20 Eligibility
- 281.22 Processing of Applications
- 281.25 Utility Notices to Customers
- 281.30 Structure of Plan
- 281.32 Bills to Program Participants
- 281.35 Notice to Utility
- 281.40 Notice to Program Participants (Repealed)
- 281.45 Utility Action Relating to Annual Recertification Requirement
- 281.47 Utility Action Resulting from Changes in Participant Income (Repealed)
- 281.50 preexisting Arrearages
- 281.60 Elimination of Shortfall
- 281.70 Customer Default and Disconnection
- 281.80 Late Payment Charges
- 281.90 Utility Reports to the Commission
- 281.95 Dispute procedure
- 281.100 Sunset Provision

SUBPART B: CONSERVATION AND WEATHERIZATION (REPEALED)

Section

281.210 Conservation and Weatherization Notice (Repealed)

- EXHIBIT A Notice Concerning IRAPP Program
- EXHIBIT B Proof of Continued Qualification (Repealed)
- EXHIBIT C Recertification For Illinois Residential Affordable Payment Program (IRAPP) (Repealed)
- EXHIBIT D Monthly Reporting Requirements
- EXHIBIT E Agreement Form
- EXHIBIT F Notice of Failure to Recertify
- EXHIBIT G Nonpayment Notice
- EXHIBIT H Other Notice
- APPENDIX A Agreement for IRAPP between DCCA and ICC

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"Primary source of heat" means the fuel type which is the heat source for the central heating system of the residence, or if the residence is not centrally heated, the fuel type which constitutes the principal source of space heating.

"Program" means the Illinois Residential Affordable Payment Program, which is the low-income payment program or plan established in accordance with the Act.

"Secondary utility service" means gas or electricity used for other than the primary source of heat.

"Shortfall" means the difference between the billings for service after a customer qualifies for participation in the program and the customer's monthly payments due under the program. This definition pertains to individual customers and is thus different from the shortfall referred to in Section 4(1)(e) of the Act (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 1304(1)(e)).

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

## Section 281.22 Processing of Applications

a) Persons applying for the program established under this Part must apply to the Illinois Department of Commerce and Community Affairs for the Illinois Home Energy Assistance Program and must, in addition to providing any information necessary for application for that program, complete a form entitled "Illinois Commerce Commission Agreement Form" (Exhibit E) pertaining to the program established under this Part.

b) Applications for the program shall be submitted to and processed on a full-time basis by the Illinois Department of Commerce and Community Affairs through its local administering agencies between December 1 and April 30. During the remainder of the year such applications will be processed by the agency at least two days per week, subject to State appropriations. When the utility receives notice of a customer's eligibility, the utility shall place the customer on the program within 30 days. During that period, the utility shall not disconnect the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

customer for nonpayment. If a customer's service is disconnected during that period, service shall be restored without penalty as soon as is practicable, and in no event later than as provided in 83 Ill. Adm. Code 280.130(f).

c) The local administering agencies of the Department of Commerce and Community Affairs shall either approve or disapprove a completed application within 30 days of its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the utility of the applicant's eligibility (see 47 Ill. Adm. Code 100.120). If the application is incomplete at the time of its receipt, the local administering agency shall notify the applicant in writing at the time of its receipt of the application of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days of the initial application. In the event an applicant fails to submit the application in a timely manner or fails to submit all information necessary to complete the application, the local administering agency may disapprove the application. In the event the applicant submits a complete application in a timely manner, the local administering agency shall either approve or disapprove the application within 30 days of its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the utility of the applicant's eligibility. If the local administering agency disapproves an application at any time, it shall within 30 days of receipt of the completed application notify the applicant in writing of such disapproval and reasons for disapproval and such notification must also apprise the applicant of the dispute resolution procedures set forth in Section 281.95.

d) If within 30 days of receipt of a completed application, the local administering agency does not send notice either approving or disapproving an application, this shall be deemed a denial of the application and the applicant shall be permitted, at the applicant's election, either to pursue the dispute resolution procedure set forth in Section 281.95 or to submit a new application.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

e) When the utility receives notice of a customer's eligibility, the utility shall place the customer on the program within 30 days. During that period, the utility shall not disconnect the customer for nonpayment. If a customer's service is disconnected during that period, service shall be restored without penalty as soon as is practicable, and in no event later than as provided in 83 Ill. Adm. Code 280.130(f).

ef) A utility may refuse to accept the notice of eligibility referred to above if it pertains to a person who is not the customer of record, if it contains an incorrect account number, if it is illegible, or if the monthly payment allocation between utilities is incorrect, or if the customer has failed to sign the "Illinois Commerce Commission Agreement Form" shown in Exhibit E. If the utility does not accept the notice of an customer's applicant's eligibility, the utility must notify the customer applicant in writing within 14 days that the customer's enrollment was rejected, the reason for the rejection and what the customer applicant must do prior to the utility accepting the enrollment. The notification must also apprise the customer applicant of the availability of the dispute resolution procedures of 83 Ill. Adm. Code 280. The utility's notice must give the customer applicant 14 days from the postmark date of the notification to eliminate the reason for rejection. During which time the 14 day period following the postmark date, the utility shall not disconnect a customer for nonpayment.

eg) Customers who have participated in the program, but whose participation was subsequently terminated because their household income rendered them ineligible for the Illinois Home Energy Assistance Program, may reapply if circumstances once again render them eligible. To be reinstated under this paragraph a customer shall pay the greater of:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) all monthly bills incurred during the period the customer was off the program, or
- 2) the amounts which would have been due under Section 281.30(a)(1), calculated by using the income information produced through the reapplication process.

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

## Section 281.30 Structure of Plan

- a) IN ADDITION TO THE REQUIREMENT OF Section 281.20, TO QUALIFY FOR THE PROGRAM, AN ELIGIBLE CUSTOMER MUST:
  - 1) ENTER INTO A LOW-INCOME PAYMENT PLAN WITH EACH GAS OR ELECTRIC PUBLIC UTILITY SERVING THE CUSTOMER UNDER WHICH THE CUSTOMER AGREES TO PAY:
    - A) DURING THE PERIOD DECEMBER 1 THROUGH APRIL 30, THE FOLLOWING:
      - i) 12% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY WHICH PROVIDES BOTH THE CUSTOMER'S PRIMARY SOURCE OF HEAT AND SECONDARY UTILITY SERVICE; OR
      - ii) 8% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY WHICH PROVIDES THE CUSTOMER'S PRIMARY SOURCE OF HEAT AND 4% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY WHICH PROVIDES THE CUSTOMER'S SECONDARY UTILITY SERVICE; OR
      - iii) 8% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY THAT PROVIDES THE PRIMARY SOURCE OF HEAT WHEN THE company or other person who provides the secondary UTILITY SERVICE IS NOT REGULATED BY THIS COMMISSION; OR
      - iv) 4% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY THAT PROVIDES THE SECONDARY UTILITY SERVICE WHEN THE company or other person who provides the primary SOURCE OF HEAT IS NOT REGULATED BY THIS COMMISSION;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- B) DURING THE PERIOD MAY 1 THROUGH NOVEMBER 30:
- i) THE GREATER OF THAT PERCENTAGE OF HIS/HER MONTHLY INCOME REQUIRED BY SUBSECTION (a)(1)(A) OF THIS SECTION OR THE CURRENT BILL; PLUS
  - ii) ONE-FIFTH OF ANY OUTSTANDING DEPOSIT (the deposit, if required, shall be payable in five equal monthly installments, payable during the months of May through November);
- 2) MAKE ALL REASONABLE EFFORTS TO APPLY FOR ALL PUBLIC ENERGY ASSISTANCE FOR WHICH HE/SHE IS ELIGIBLE;
- 3) APPLY FOR ALL WEATHERIZATION PROGRAMS FOR WHICH HE/SHE IS ELIGIBLE;
- 4) PROVIDE PROOF, either in the form of Exhibit 6 or by means of the recertification required by Section 281.45, TO EACH GAS OR ELECTRIC PUBLIC UTILITY SERVING THE CUSTOMER EVERY 6 1/2 MONTHS AFTER THE BEGINNING OF PARTICIPATION IN THE PLAN THAT HE OR SHE IS QUALIFIED FOR THE PLAN; AND
- 5) SIGN A WAIVER PERMITTING THE UTILITY TO RECEIVE INCOME INFORMATION FROM ANY PUBLIC OR PRIVATE AGENCY PROVIDING INCOME OR ENERGY ASSISTANCE AND FROM ANY EMPLOYER, WHETHER PUBLIC OR PRIVATE.
- b) ANY CUSTOMER WHO COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (a), paying the amounts due under subsection (a)(1) as they come due, SHALL NOT HAVE HIS/HER PUBLIC UTILITY HEATING OR ELECTRIC SERVICE TERMINATED.
- c) A CUSTOMER PARTICIPATING IN THE PROGRAM SHALL PAY FOR ALL ENERGY USAGE ABOVE THE AVERAGE RESIDENTIAL USAGE, ADJUSTED FOR WEATHER AND HOUSEHOLD SIZE, UNLESS THAT CUSTOMER HAS A MEDICAL EXCUSE AS CERTIFIED TO THE UTILITY BY A REGISTERED PHYSICIAN OR LOCAL BOARD OF HEALTH. Average residential usage for any month shall be determined by reference to the customer's usage for the same month in the preceding year, and shall be adjusted for weather. If the customer did not live in his/her present residence during the prior year, the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

utility should determine average residential usage by reference to the prior customer's usage at that location for the same month in the preceding year. If there was no customer of record at the customer's service address for the same month in the preceding year, average residential usage should be based on that of customers similarly situated as to type and locale of housing, normalized for weather. The medical certificate shall be renewed every thirty days, except that if the registered physician or local board of health certifies that the injury, illness, or disability underlying the medical certificate is permanent or can be expected to last longer than 6 months, the certificate shall be renewed every 6 months.

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

#### Section 281.40 Notice to Program Participants (Repealed)

The utility shall send a notice to each customer participating in the program at regular six-month intervals established by the utility, advising the customer that he/she must provide the proof required by Section 281.30(a)(4), including a form to be completed and returned. The notice and form shall be in the form of Exhibits B and C respectively. With respect to notices due during the period from November 1 through and including April 30, the recertification process required by Section 281.45 shall supersede the notice and proof requirements of this Section.

(Source: Repealed at 12 Ill. Reg. 19664, effective November 15, 1988)

#### Section 281.45 Utility Action Relating to Annual Recertification Requirement

- a) In accordance with Section 281.25(a) and Exhibit A of this Part, the utility shall send a notice to each customer participating in the program no later than November 1 advising the customer that he/she must apply to be recertified by the Illinois Department of Commerce and Community Affairs. The participants who are handicapped or who are 60 or more years of age shall apply for recertification between November 1 and March 31; other participants shall apply for the recertification process shall occur



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

between December 1 and April 30, March 31, except that for participants who are handicapped or who are 60 or more years of age the recertification shall begin November 1 and end April 30. Between November 15 and February 15, the Department of Commerce and Community Affairs shall send a notice to each participating customer who has not applied for recertification reminding the customer that he/she must apply to be recertified. In order for the customer to remain eligible for the program, a final determination granting recertification must be made between November 1 and April 30. For participants who are handicapped or who are 60 or more years of age and between December 1 and April 30 for other participants.

b) If a utility has not received notice from the Department of Commerce and Community Affairs or its local administering agency by March 1 that a customer has been recertified, the utility shall send a notice by March 10 reminding that customer that he/she must apply to be recertified at the local administering agency by March 31 or he/she will be removed from the program. This notice shall be mailed separately from any bill and shall contain the information specified in Exhibit F.

c) If a utility learns as a result of the annual recertification process described in this Section that a customer's household income has increased or decreased, but the customer is still eligible for participation in the program, the utility shall, within 30 days of learning of the change, adjust the customer's monthly payments in a manner consistent with Section 281.30(a)(1) (see 47 Ill. Adm. Code 100).

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

### Section 281.47 Utility Action Resulting from Changes in Participant Income (Repealed)

a) If a utility learns as a result of the notification and proof required by Sections 281.30(a)(4) and 281.40 that a customer's household income is greater than the maximum established by the Department of Commerce and Community Affairs in conjunction

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

tion with the United States Department of Health and Human Services in the implementation of the Illinois Home Energy Assistance Program under 42 U.S.C. 8621 et seq. the utility shall remove the customer from the program and notify the customer in writing of the removal.

b) If a utility learns as a result of the notification and proof required by Sections 281.30(a)(4) and 281.40 that a customer's household income has increased or decreased, but the customer is still eligible for participation in the program, the utility shall, within 30 days of learning of the change, adjust the customer's monthly payments in a manner consistent with Section 281.30(a)(1) and shall provide written notice of the adjustment to the customer.

(Source: Repealed at 12 Ill. Reg. 19664, effective November 15, 1988)

### Section 281.60 Elimination of Shortfall

a) TO THE EXTENT THERE IS A DIFFERENCE BETWEEN PAYMENTS RECEIVED FROM A CUSTOMER PARTICIPATING IN THE PROGRAM AND ACTUAL AMOUNTS INCURRED BY THAT CUSTOMER FOR UTILITY HEATING OR ELECTRIC SERVICE RENDERED, THE UTILITY SHALL APPLY ALL ENERGY ASSISTANCE FUNDS RECEIVED ON BEHALF OF A PARTICIPATING CUSTOMER TO THAT CUSTOMER'S ANY SHORTFALL IN ORDER TO REDUCE OR ELIMINATE IT.

b) Any energy assistance funds received on behalf of a customer shall first be credited toward a customer's shortfall if any, then to any arrearages. ENERGY ASSISTANCE FUNDS SHALL INCLUDE ILLINOIS HOME ENERGY ASSISTANCE PROGRAM FUNDS, OIL OVERCHARGE REFUNDS TO THE EXTENT ALLOWED BY FEDERAL LAW, RELEVANT PUBLIC AID FUNDS AND ANY AND ALL OTHER SUCH STATE AND FEDERAL FUNDS WHICH BECOME AVAILABLE, BUT SHALL NOT INCLUDE COOLING ASSISTANCE FUNDS. ANY ENERGY ASSISTANCE FUNDS REMAINING AFTER PAYMENT OF THE SHORTFALL SHALL BE CREDITED TO THE PARTICIPATING CUSTOMER'S ARREARAGES. If there are no arrearages, or if energy assistance funds are not exhausted by existing shortfall and arrearages, the remaining funds shall be held as a credit against future shortfall.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- c) No utility may require payment by any individual, at any time, of any amount attributable to shortfall incurred by that individual as a result of participation in the program established under this Part. The utility shall maintain the shortfall amount on each participating customer's account so that energy assistance funds may be applied to it as required by Section 281.60(a).

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

## Section 281.70 Customer Default and Disconnection

- a) A customer who defaults on payment under the program and fails to make the payment, pursuant to the notice issued under Section 281.70(d), shall be removed from the program. Unless the customer is disconnected under subsection (b) of this Section, the customer shall be reinstated by paying all amounts which would have been due under the terms of the program. A defaulting customer shall only be reinstated pursuant to this subsection two times in any 12 month period.

- b) A customer who defaults on payment under the program may be disconnected under 83 Ill. Adm. Code 280 and 281.25 unless reinstated under subsection (a) before disconnection. A customer disconnected under this subsection shall within 90 days of disconnection have only one opportunity in any 12 month period to be reconnected and participate further in the program. In order to be reconnected and reinstated, the former customer shall fully comply with the applicable reconnection provisions contained in 83 Ill. Adm. Code 280. A former customer reconnected under this subsection will be deemed to have the same income as at the time of disconnection, unless the proof required by Section 281.30(a)(4) or the recertification required by Section 281.45 has come due, in which case the newer income amount will be used to determine eligibility for the program and the amount of monthly payments.

- c) A customer who voluntarily leaves the program may be reinstated only one time in any 12 month period only if the customer paid or pays in full the greater of:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) all monthly bills incurred during the period the customer was off the program, or
- 2) the amounts that would have been due under Section 281.30(a)(1) to avoid disconnection had the customer stayed on the program.

## d) Notice and removal from the program

- 1) A customer participating in the program may be removed from the program for failure to abide by the provisions of Section 281.30(a), but only after the utility has provided written notice of the pending removal containing the information specified in either Exhibit G or H, whichever is appropriate, and the customer has failed to respond in accordance with the notice. The notice shall be separately delivered or mailed to the customer. The notice must be clearly distinguished for easy identification. The notice must allow the customer to satisfy:

- A) the payment provisions of Section 281.30(a)(1) by making payment of the past due amount by a specified date which shall be no less than 5 days after delivery of the notice or 8 days after mailing of the notice (see Exhibit G), and

- B) any other provisions of Section 281.30(a)(2) and (3) by clearly informing the participant of the reason for the pending removal and the necessary steps to alleviate the pending removal, allowing the participant to comply by a date which shall be no less than 5 days after delivery of the notice or 8 days after the mailing of the notice (see Exhibit H).

- 2) A customer who complies with the provisions of a notice issued under Section 281.70(d)(1)(A) shall be deemed not to have defaulted under Section 281.70(a). A customer who complies with the provisions of a notice issued under Section 281.70(d)(1)(B) shall not be removed from the program for the reason which was the subject of the notice.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(e) A customer participating in the program may be disconnected for failure to abide by the provisions of Section 281.30(a) but only after the customer has failed to comply with the provisions of the notice issued under Section 281.70(d)(1).

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

Section 281.95 Dispute Procedure

a) If any dispute arises concerning applications under this Part, it shall be resolved in accordance with the complaint dispute procedure set forth in 83 47 Ill. Adm. Code 280 100.

b) Once an applicant has been determined eligible by the LAA pursuant to 47 Ill. Adm. Code 100, any other dispute arising under this Part shall be resolved in accordance with the complaint procedures set forth in 83 Ill. Adm. Code 280.

(Source: Amended at 12 Ill. Reg. 19664 , effective November 15, 1988)

SUBPART B: CONSERVATION AND WEATHERIZATION (REPEALED)

Section 281.210 Conservation and Weatherization Notice (Repealed)

Each gas and electric public utility shall inform each customer participating in the program established in Subpart A of this Part as to uses and benefits of weatherization materials and conservation techniques as well as the availability and application procedures for weatherization and conservation programs and of their eligibility to participate in the utility's energy conservation assistance program established pursuant to Section 7 of the Act (111 Rev. Stat. 19857 ch. 111 2/37 par. 1302).

(Source: Repealed at 12 Ill. Reg. 19664 , effective November 15, 1988)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 281.EXHIBIT B Proof of Continued Qualification (Repealed)

Because you have been in the Illinois Residential Affordable Payment Program for six months, you must provide proof to us that the total income of your household has not gone above the program limit. This includes the income of all persons who live in your household. This proof must be provided to us no later than 30 days from the postmark of the notice.

(Source: Repealed at 12 Ill. Reg. 19664 , effective November 15, 1988)

Section 281.EXHIBIT C Recertification For Illinois Residential Affordable Payment Program (IRAPP) (Repealed)

All items must be completed:

NAME	ACCOUNT
ADDRESS	CITY
SOCIAL SECURITY #	ZIP CODE
MARRIAGE	TELEPHONE #
INFORMATION	SINGLE
	MULTI-UNIT
	OWN
	RENTED

Including yourself, how many people live in your home?

In the space below, indicate the source and amount of income and social security number for each member of your household including yourself.

NAME	SOC. SEC. #	SOURCE OF INCOME*	EMPLOYER/AGENCY & ADDRESS	PRIOR 90 DAY GROSS INCOME
------	-------------	-------------------	---------------------------	---------------------------



From December 1 through April 30:

- 8% of my household's total income to the provider of my primary heat service and/or,
- 4% of my household's total income to the provider of my secondary utility service, plus
- any amount billed over m. average residential usage

From May 1 through November 30:

My current bill or my monthly percentage amount, whichever is greater, plus 1/5 monthly of any deposit that is requested.

I also agree to abide by the IRAPP rules. I also understand that:

1. My monthly bill(s) will tell me how much I must pay. I must pay by the due date so that my service will not be shut off.
2. My monthly payment will not be covered by any IHEAP heating grant.
3. If I owe money to the utility after my IHEAP grant has been applied to my account, I must sign a Deferred Payment Agreement when I go on this program.

4. I will automatically be dropped from the program if I fail to make a monthly payment by the due date. If I am dropped from the program because I didn't make a monthly payment, I can get back on the program by paying all amounts due under the program, but I can do this only twice during any twelve month period.

5. If my service is shut off, I can get it back on if I follow existing ICC rules covering reconnection. I will have only 90 days from the date I was shut off to be reconnected and go back on the Program, but I can do this only one time during any twelve month period.

6. If I want to get off this Program I must tell my utility(ies). If I later change my mind and want to get back on the program I must pay the greater of (a) all bills incurred while I was off the program or (b) the amount I would have been required to pay to avoid disconnection had I stayed on the program. I can do this only one time during any twelve month period.

Total Prior 90 Day Household Income

\*Wages, Social Security, unemployment, alimony, strike benefits, child support, 6617 ARB, 67 AAB, general assistance, other.

WAIVER

I understand that the information on this form will be used to verify my continued eligibility for IRAPP and to establish my minimum monthly payments to \_\_\_\_\_.

I declare that the above information is true and correct.

I hereby authorize \_\_\_\_\_ to receive any household income and energy assistance information from any public or private agency providing income or energy assistance and from any employer, whether public or private.

GUEST SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_

(Source: Repealed at 12 Ill. Reg. 19664, effective November 15, 1988)

Section 281. EXHIBIT E Agreement Form

LAA Name: \_\_\_\_\_  
Initials: \_\_\_\_\_

ILLINOIS COMMERCE COMMISSION (ICC) AGREEMENT FORM

ILLINOIS RESIDENTIAL AFFORDABLE PAYMENT PROGRAM (IRAPP)

I, the undersigned, understand and agree, that under this IRAPP Rule I will pay:



## ILLINOIS COMMERCE COMMISSION

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

7. I must apply for all energy assistance and weatherization programs available to me.

8. I must submit proof that I am still eligible for the program twice each year go back to the IHEAP office between November 1 and March 31 to recertify or I will be dropped from the program.

9. This agreement is effective as of my first billing period after the utility receives this agreement form.

10. I am the current customer of record of the following utilities who will receive copies of this agreement;

(1) \_\_\_\_\_ / Account # \_\_\_\_\_

(2) \_\_\_\_\_ / Account # \_\_\_\_\_

WAIVER

I authorize the company(ies) providing my utility service to get income information from any public utility, any public agency providing income or energy assistance, and from any employer, whether public or private.

Signature of Customer/Date \_\_\_\_\_

Customer's Name (Printed) \_\_\_\_\_

Social Security # of Customer \_\_\_\_\_

Spouse's Name (Printed) \_\_\_\_\_

IHEAP Applicant's Name (Printed) \_\_\_\_\_

Street Address \_\_\_\_\_

City and Zip Code \_\_\_\_\_

Social Security # \_\_\_\_\_

WAIVER

I authorize the company(ies) providing my utility service to get income information from any public utility, any public agency providing income or energy assistance, and from any employer, whether public or private.

Signature \_\_\_\_\_

Date \_\_\_\_\_

If after receiving your utility bill, you have any questions about this program, call your utility company representative. If the person you talk to cannot help you, ask to talk to a supervisor. If the supervisor cannot help you, call the Consumer Affairs Division Assistance Office of the Illinois Commerce Commission at (312)917-2887 in Chicago or (217)782-2024 in Springfield.

Completion of this form is necessary to accomplish the statutory purpose as outlined in the Energy Assistance Act. Failure to complete this form will prevent your request from being processed. This form has been approved by the Forms Management Center.

White copy - IHEAP Agency  
Yellow copy - Primary Utility  
Goldenrod - Secondary Utility  
Pink - Applicant

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

Section 281.EXHIBIT F Notice of Failure to Recertify

We have not received any recertification papers from your Illinois Home Energy Assistance Program (IHEAP) office. To remain on the Illinois Residential Affordable Payment Program (IRAPP), you must apply for IHEAP and recertify for IRAPP by March 31 or you will be dropped from the program. If you have any questions, call your service representative.

(Source: Added at 12 Ill. Reg. 19664, effective November 15, 1988)

Section 281.EXHIBIT G Nonpayment Notice

We have not yet received your payment. To avoid being removed from the IRAPP program, you must pay \$ \_\_\_\_\_ amount due pursuant to 83 Ill. Adm. Code 281.70(a)(1)(A) by [due date] pursuant to 83 Ill. Adm. Code 281.70(d)(1)(A). If you have any questions, please contact your service representative.

## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 12 Ill. Reg. 19664 effective November 15, 1988)

Section 281.EXHIBIT H Other Notice

You have failed to [Specify] . To remain on IRAPP, you must [Specify] by [due date pursuant to 83 Ill. Adm. Code 281.70(d)(1)(B)] . If you have any questions, please contact your service representative.

(Source: Added at 12 Ill. Reg. 19664, effective November 15, 1988)

Section 281.APPENDIX A Agreement for IRAPP Between the Department of Commerce and Community Affairs and the Illinois Commerce Commission

a) The Illinois Commerce Commission ("ICC") agrees to:

- 1) regulate the utilities involved to ensure that they are complying with the Energy Assistance Act and 83 Ill. Adm. Code 281;
- 2) make brochures describing IRAPP available to the Local Administering Agencies through the Department of Commerce and Community Affairs DCCA; and
- 3) provide ICC Agreement Forms to DCCA.

b) The Department of Commerce and Community Affairs ("DCCA") agrees to:

- 1) ensure that the Local Administering Agencies are complying with the requirements set forth in this agreement and with 83 Ill. Adm. Code 281 as it relates to processing of IRAPP applications; and
- 2) process applications on a full-time basis as received between December 1 and April 30th, each year, and at least 2 days per week the rest of the year, as State appropriations allow; and
- 3) require local administering agencies to adhere to the dispute resolution procedure for applicants and

## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

to conduct the informal review and formal hearing as set forth in this agreement and in 47 Ill. Adm. Code 100; and

4) promulgate rules consistent with Part 281.

c) Requirements of Local Administering Agencies ("LAA's")

1) LAA's will inform applicants for the Illinois Home Energy Assistance Program ("IHEAP"):

- A) of IRAPP, if their utilities are regulated by the Illinois Commerce Commission; and
- B) that only customers of record can apply for IRAPP.

2) The customer will receive a copy of ICC Agreement Form (Exhibit E of this Part) at time of application.

3) An intake worker shall print the customer's name and initial it if the customer is unable to sign the IRAPP form and has made an identifying mark on the application.

4) In the event the applicant is homebound, the intake worker shall mail or deliver the application for the customer to sign. All four copies of the Agreement shall be returned to the office. The customer's copy shall be mailed to the customer after the LAA checks for completeness.

5) The LAA will notify applicants of whether they have been determined eligible or ineligible for IRAPP within 30 days of the date the application is complete. An application for IRAPP is complete when the applicant has completed the application for IHEAP under 47 Ill. Adm. Code 100.41 and has completed the ICC Agreement Form.

6) If the application is approved, the LAA will indicate in the notification letter for IHEAP the percentage amount due to be paid to the regulated utility; if a present IRAPP participant's IHEAP eligibility application is denied, the LAA will so



ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

indicate in the notification letter to the utility and the applicant.

- 7) LAA's will notify the utility and customer of the percentage of income amounts. The LAA will send a copy of the IRAPP agreement to the utility.
- 8) If a mistake has been made in determining the payment amount, the LAA shall notify the customer and the utility in writing.
- 9) When IHEAP funds are not available, the customer LAA, apply, or IRAPP. The LAA will send notification of the lack of funds and the determination of eligibility or ineligibility for IRAPP to the appropriate utility and the customer.
- 10) Customers who have participated in IRAPP, but whose participation was subsequently terminated because their household income rendered them ineligible, may reapply for IRAPP through IHEAP.

11) LAA's shall adhere to the dispute resolution procedures established in 83 Ill. Adm. Code 281.95.

12) The LAA shall either approve or disapprove a completed application within 30 days of its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the utility of the applicant's eligibility. If the application is incomplete at the time of its receipt, the LAA shall notify the applicant in writing at the time of its receipt of the application of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days of the initial application. In the event an applicant fails to submit the application in a timely manner or fails to submit all information necessary to complete the application, the LAA may disapprove the application. In the event the applicant submits a complete application in a timely manner, the LAA shall either approve or disapprove the application within 30 days of its receipt and, in the event of approval, shall within the same 30 days notify the applicant

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

and the utility of the applicant's eligibility. If the LAA disapproves an application at any time, it shall within 30 days of its receipt of the completed application notify the applicant of such disapproval and reasons for disapproval in writing and such notification must also apprise the applicant of the dispute resolution procedures set forth in 83 Ill. Adm. Code 281.95. If within 30 days of receipt of a completed application, the local administering agency does not send notice either approving or disapproving an application, this shall be deemed a denial of the application and the applicant shall be permitted, at the applicant's election, either to pursue the dispute resolution procedure set forth in this agreement or to submit a new application.

- d) This agreement is in effect until January 1, 1989, unless extended by authority of the General Assembly, provided sufficient funding is available to implement this agreement.

(Source: Amended at 12 Ill. Reg. 19664, effective November 15, 1988)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

1. The Heading of the Part: Administration of the Illinois Public Community College Act
2. Code Citation: 23 Ill. Adm. Code 1501
3. Section Number: 1501.113 Adopted Action: new section
4. Statutory Authority: Ill. Rev. Stat. 1987, Ch. 122, pars. 103-1, 103-2, 103-5, 106-1, and 106-6.1
5. Effective Date of Amendments: November 15, 1988
6. Does this rulemaking contain an automatic repeal date? No
7. Does this amendment contain incorporations by reference? No
8. Date Filed in Agency's Principal Office: October 21, 1988
9. Notice of Proposal Published in Illinois Register:

July 29, 1988	12 Ill. Reg. 12147
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10. Has JC&R issued a Statement of Objections to this amendment? Yes
 

A) <u>Statement of Objection:</u>	October 28, 1988	12 Ill. Reg. 17440
B) <u>Agency Response:</u>	November 18, 1988	12 Ill. Reg. 19784
C) <u>Date Agency Response Submitted for Approval to JC&amp;R:</u>	October 25, 1988	

11. Differences between proposal and final version:

- Cited Sections 3-1, 3-2, 3-5, 6-1 (Ill. Rev. Stat. 1987, ch. 122, pars. 103-1, 103-2, 103-5, 106-1, and 106-6.1) in its Statutory Authority in its Notice of Adopted Amendments.
- Cited Section 6-6.1 (Ill. Rev. Stat. 1987, ch. 122, par. 106-1) instead of "by law" in Section 1501.113(a).
- Removed "and colleges" from Sections 1501.113(a) and 1501.113(a)(1).
- Amended Section 1501.113 to include a subsection 1501.113(d):
  - d) Voluntary annexations and new district formations decisions under Section 3-2, 3-3, and 3-4 and Sections 6-7 through 6-7.4 of the Act (Ill. Rev. Stat. 1987, ch. 122, pars. 103-2, 103-3, and 103-4 and pars. 106-7 through 106-7.4) will be based on the criteria in Section 1501.113(a).

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Amended Section 1501.113(a) by deleting "at least."
- Stated "i.e., whether the operating tax rate of the community college district exceeds the chargeback levy of the non-district territory" in Section 1501.113(a)(1)(A).
- Amended Section 1501.113(a)(1)(B) to state: "i.e., the equalized assessed valuation of the non-district territory is examined to determine how much tax revenue will be generated for the community college district to which the non-district territory could annex."
- Amended Section 1501.113(a)(1)(C) to also state: "i) which community college the non-district territory students have been attending and ii) effect of additional enrollments when the non-district territory is annexed to a community college district."
- Changed Section 1501.113(a)(2) to state "educational welfare of students."
- Amended Section 1501.113(a)(2)(A) to state: "i.e., will the program be more available to students should the annexation be approved?"
- Amended Section 1501.113(a)(2)(B) to state: "i.e., what is the distance and time which the student must travel to attend?"
- Amended Section 1501.113(a)(2)(C) to state: "i.e., what are the tuition and fees and commuting costs associated with attending that community college district?"
- Amended Section 1501.113(a)(2)(D) to state: "i.e., where do potential students shop, work, and attend religious and cultural events?"
- Amended Section 1501.113(a)(3) to state:
 

When annexation of a territory is considered and that territory is contiguous to more than one community college district, the criteria in subsections (a)(1) and (a)(2) will be applied equally to all community college districts to which this territory could annex.
- Amended Section 1501.113(b) to state: "Since mandatory annexations and new district formations become effective July 1, 1990, chargeback obligations cease at the end of the summer 1990 college term."
- Stated in Section 1501.113(c): "Phasing in tax rates for mandatory annexation and new district formations for territories which become part of a community college district on July 1, 1990."



ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

Moved the example to Section 1501.113(c)(2) and relabeled 1501.113(c)(2) to Section 1501.113(c)(3), and relabeled 1501.113(c)(3) to 1501.113(c)(4) and Section 1501.113(c)(4) to 1501.113(c)(5).

Amended Section 1501.113(c)(3) to state: "fall/winter 1992 levy is made ... \$30."

Included an "s" after "interests" in Section 1501.113(a)(1).

Italicized the statutory language "in the best interests of the schools and educational welfare of students" in Sections 1501.113(a), 1501.113(b)(1), and 1501.113(a)(2).

Removed "for debt service" and stated "for bonded indebtedness incurred prior to July 1, 1990, under Section 3A-1 of the Act by the community college district." (Ill. Rev. Stat. 1987, ch. 122, par. 106-6.1).

12. Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13. Will this amendment replace an emergency rule currently in effect? No

14. Are there any amendments pending on this Part?

Section Numbers	Proposed Action	Illinois Register Citation
1501.509	amendment	12 Ill. Reg. 16313 - October 14, 1988

15. Summary and Purpose of Amendments: The adopted rules explain the criteria to be used in determining the voluntary and involuntary formation of new community college districts and voluntary and involuntary annexation assignments. The rules also identify the term in which chargeback obligations cease and explain the phase-in tax rate procedure.

16. Information and questions regarding this adopted amendment shall be directed to:

Christine Merrifield, Director  
Governmental Relations  
Illinois Community College Board  
509 South Sixth Street, Room 400  
Springfield, Illinois 62701-1874  
Telephone: (217) 785-0085

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements
1501.112	Certification of Organization
1501.113	Administration of Mandatory and Voluntary Annexations and New District Formations

SUBPART B: RECOGNITION

1501.201	Definition of Terms
1501.202	Recognition Provisions
1501.203	Evaluation
1501.204	Review and Appeal
1501.205	Recognition Standards

SUBPART C: PROGRAMS

1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

Section  
1501.401  
1501.402  
1501.403  
1501.404  
1501.405  
1501.406

Definition of Terms  
Admission of Students  
Student Services  
Academic Records  
Student Evaluation  
Reporting Requirements

## SUBPART E: FINANCE

Section  
1501.501  
1501.502  
1501.503  
1501.504  
1501.505  
1501.506  
1501.507  
1501.508  
1501.509  
1501.510  
1501.511  
1501.514  
1501.515  
1501.516

Definition of Terms  
Financial Planning  
Audits  
Budgets  
Non-Resident Student Tuition Calculations  
Published Financial Statements  
Credit Hour Grants  
Disadvantaged Student Grant  
Economic Development Grants  
Reporting Requirements  
Chart of Accounts  
Business Assistance Grants (Repealed)  
Advanced Technology Equipment Grant  
Repair and Renovation Grants

## SUBPART F: CAPITAL PROJECTS

Section  
1501.601  
1501.602  
1501.603  
1501.604  
1501.605  
1501.606  
1501.607  
1501.608  
1501.609

Definition of Terms  
Approval of Capital Projects  
State Funded Capital Projects  
Locally Funded Capital Projects  
Project Changes  
Progress Reports  
Reporting Requirements  
Approval of Projects in Section 3-20.3.01 of the Act  
Completion of Projects Under Section 3-20.3.01 of the Act

## SUBPART G: STATE COMMUNITY COLLEGE

Section  
1501.701  
1501.702  
1501.703  
1501.704  
1501.705  
1501.706  
1501.707

Definition of Terms  
Applicability  
Recognition  
Programs  
Finance  
Personnel  
Facilities

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

Section  
1501.801  
1501.802

Definition of Terms  
Sabbatical Leaves

## SUBPART H: PERSONNEL

AUTHORITY: Authorized by Section 2-4 and Section 3-20.3.01 of the Public Community College Act (Ill. Rev. Stat. 1987, ch. 122, pars. 102-4 and 103-20.3.01) and implementing Section 101-1 et seq. of the Public Community College Act (Ill. Rev. Stat. 1987, ch. 122, par. 101-1 et seq.).

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988.

## Section 1501.113 Administration of Mandatory and Voluntary Annexations and New District Formations

a) ICCB mandatory annexation and new district formation decisions are required by Section 6-6.1 (Ill. Rev. Stat. 1987, ch. 122, par. 106-6.1) to be based on the criteria of being in the best interests of the schools in the general area and the educational welfare of the students residing within the territory. All decisions made by the ICCB will be based on these criteria before assignment is made.

1) In the best interests of schools - The effect of the proposed annexation/new district formation on:

A) Reasonableness of cost to taxpayers of the territory being annexed to an existing community college district or becoming part of a new community college district, i.e., whether the operating tax rate of the community college district exceeds the chargeback levy of the nondistrict territory.

B) Finances of the existing or new community college district, i.e., the equalized assessed valuation of the nondistrict territory is examined to determine how much tax revenue will be generated for the community college district to which the



ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

2) Following is an example of how the phase-in works:

Public school district's fall/winter 1989 levy for chargebacks .....	\$ 12,000
Public school district's 1989 equalized assessed valuation .....	12,000,000

This results in a tax rate for chargeback purposes of .....  
 Operating rate of the community college district ..... 10¢  
 Public school district's rate when the community college district's fall/winter 1990 levy is made ..... 30¢  
 Public school district's rate when the community college district's fall/winter 1991 levy is made ..... 16¢  
 Public school district's rate when the community college district's fall/winter 1992 levy is made ..... 22¢  
 Public school districts have no obligation for property taxes used to retire building bond principal and interest when assigned by the ICCB to a community college district, unless these building bonds are approved after the annexation occurs.

3) Public school districts have no obligation for property taxes used to retire building bond principal and interest when assigned by the ICCB to a community college district, unless these building bonds are approved after the annexation occurs.  
 4) If the public school district does not levy for chargeback purposes in the fall/winter of 1989, the phase-in rate would be 6¢, 12¢, and 30¢ in the example above. If the fall/winter 1989 levy by the public school district were 19¢, the rates would be 25¢ in 1990 and then the full 30¢ in 1991.  
 5) Operating rates for community colleges are all levy rates other than for bonded indebtedness incurred prior to July 1, 1990, under Section 3A-1 of this Act by the community college district. (Ill. Rev. Stat. 1987, ch. 122, par. 106-6.1).

d) Voluntary annexations and new district formations decisions under Sections 3-2, 3-3, and 3-4 and Sections 6-7 through 6-7.4 of the Act (Ill. Rev. Stat. 1987, ch. 122, pars. 103-2, 103-3, and 103-4 and pars. 106-7 through 106-7.4) will be based on the criteria in Section 1501.113(a).

(Source: Added at 12 Ill. Reg. 19691, effective November 15, 1988)

2) Following is an example of how the phase-in works:

Public school district's fall/winter 1989 levy for chargebacks .....	\$ 12,000
Public school district's 1989 equalized assessed valuation .....	12,000,000

This results in a tax rate for chargeback purposes of .....  
 Operating rate of the community college district ..... 10¢  
 Public school district's rate when the community college district's fall/winter 1990 levy is made ..... 30¢  
 Public school district's rate when the community college district's fall/winter 1991 levy is made ..... 16¢  
 Public school district's rate when the community college district's fall/winter 1992 levy is made ..... 22¢  
 Public school districts have no obligation for property taxes used to retire building bond principal and interest when assigned by the ICCB to a community college district, unless these building bonds are approved after the annexation occurs.

3) Public school districts have no obligation for property taxes used to retire building bond principal and interest when assigned by the ICCB to a community college district, unless these building bonds are approved after the annexation occurs.  
 4) If the public school district does not levy for chargeback purposes in the fall/winter of 1989, the phase-in rate would be 6¢, 12¢, and 30¢ in the example above. If the fall/winter 1989 levy by the public school district were 19¢, the rates would be 25¢ in 1990 and then the full 30¢ in 1991.  
 5) Operating rates for community colleges are all levy rates other than for bonded indebtedness incurred prior to July 1, 1990, under Section 3A-1 of this Act by the community college district. (Ill. Rev. Stat. 1987, ch. 122, par. 106-6.1).

d) Voluntary annexations and new district formations decisions under Sections 3-2, 3-3, and 3-4 and Sections 6-7 through 6-7.4 of the Act (Ill. Rev. Stat. 1987, ch. 122, pars. 103-2, 103-3, and 103-4 and pars. 106-7 through 106-7.4) will be based on the criteria in Section 1501.113(a).

(Source: Added at 12 Ill. Reg. 19691, effective November 15, 1988)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of Part: Mid-Term Cancellations
- 2) Code Citation: 50 Ill. Adm. Code 940
- 3) Section Number:  
940.30  
Adopted Action  
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 73, pars. 755.16a and 1013.
- 5) Effective Date of Rule: November 14, 1988
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? No.
- 8) Date filed in Agency's Principle Office: November 10, 1988.
- 9) Notice of Proposal Published in Illinois Register:  
November 13, 1988, 11 Ill. Reg. 18486.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version:

- In Section 940.30(d)(2) the word "or" at the end of the subsection was deleted.
- In Section 940.30(d)(4)(c) the words "resulted will result in" were changed to read "resulted in, or will result in".
- In Section 940.30(d)(4)(C) the phrase "admitted surplus" was replaced by the following phrase: "statutory capital and surplus as described in (Ill. Rev. Stat. 1987, ch. 73, par. 786.1)".
- In Section 940.30(f) the year "1985" was changed to "1987".
- The period at the end of the Section source note was deleted.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule: The adopted amendment adds a specific basis upon which an insurer's certification of lost reinsurance may be rejected by the Director. The specific ground is that the reinsurance lost does not cover a substantial part of the underlying risk. The adopted amendment also discloses what information concerning the circumstances surrounding the loss of reinsurance will be considered by the Director in determining whether the lost reinsurance covers a substantial part of the underlying risk.
- 16) Information and questions regarding this adopted rule shall be directed to:

Mr. Robert Heigler  
Assistant Deputy Director  
320 W. Washington St., 4th Fl.  
Springfield, Illinois 62767  
(217) 782-4515

The full Text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 940

## MID-TERM CANCELLATIONS

## Section

940.10 Purpose

940.20 Definitions

940.30 Certification

**AUTHORITY:** Implementing Section 143.16a of the Illinois Insurance Code (Ill. Rev. Stat. 1927, ch. 73, par. 755.16a) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).

**SOURCE:** Emergency rules adopted at 10 Ill. Reg. 3680, effective January 30, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3113, effective February 3, 1987; amended at 12 Ill. Reg. 19699, effective November 14, 1988.

## Section 940.30 Certification

a) No notice of cancellation may be issued by any insurer under authority of Section 143.16a(e) of the Illinois Insurance Code unless the insurer has filed the certification and documents described by this section and received notification of its acceptance from the Director.

b) Certification of the loss of reinsurance under Section 143.16a(e) of the Illinois Insurance Code shall consist of a written statement signed by a principal officer of the company identifying the specific lines of insurance affected by the loss of reinsurance, giving an estimate of the number of Illinois policies to be cancelled, describing the reason for the loss of reinsurance, describing all efforts to renew and/or replace the reinsurance lost, and affirming that the insurer will cancel only those policies which were covered by the lost reinsurance.

c) Every certification filed under this Part must be accompanied by the following documents:

- 1) a copy of the reinsurance contract which had provided coverage for the policies to be cancelled;
- 2) a copy of any notice of cancellation of reinsurance issued by the reinsurer and effecting the policies to be cancelled;

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 3) a copy of any amendment purporting to omit reinsurance coverage for the policies to be cancelled; and
- 4) a copy of any new reinsurance contract replacing the lost reinsurance and purporting to omit reinsurance coverage for the policies to be cancelled.

d) The Director shall give written notice of his acceptance of a certification within 30 days of its receipt by the Department, unless:

- 1) the filing does not comply with the requirements of this Part;
- 2) the filing is insufficient to demonstrate that the loss of reinsurance was involuntary on the part of the insurer making the filing; or
- 3) the certification appears to be untrue; or
- 4) the reinsurance lost does not cover a substantial part of the underlying risk. In determining whether or not the reinsurance covers a substantial part of the underlying risk, the Director shall consider:

A) the risk of loss to the insurer in providing coverage to the underlying risk without reinsurance, as compared to such risk of loss to the insurer assuming the reinsurance of the underlying risk continues;

B) whether or not the reinsurance terminated actually provided for a transfer of risk from the insurer to the reinsurer; and

C) whether or not the termination of the reinsurance contract resulted in, or will result in a decrease in the insurer's statutory capital and surplus as described in Section 174.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 786.1).

e) Whenever the Director refuses to accept a certification he shall give written notice stating the reason for such refusal within 30 days of the receipt of the certification by the Department.

f) The Director's written notice of refusal shall be issued under and governed by the provisions of Sections 401.1 or 403A of the Illinois Insurance Code (Ill. Rev. Stat. 1985, ch. 73, pars. 1013.1 or

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

1015A) and the insurer shall be entitled to all rights of hearing provided for therein and in accordance with 50 Illinois Administrative Code 2402.

(Source: Amended at 12 Ill. Reg. 19699, effective Nov. 14, 1988

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Adopted Action:

120.11	New Section
120.31	New Section
120.60	Amendment
120.64	New Section
120.380	Amendment
120.381	Amendment
120.382	Amendment
120.390	Amendment
120.391	Amendment
120.392	Amendment

4) Statutory Authority: Sections 5-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2 and 12-13)

5) Effective Date of Amendments: November 15, 1988

6) Does this rulemaking contain an automatic repeal date?  
Yes X No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 15, 1988

9) Notices of Proposal Published in Illinois Register:

July 15, 1988 (12 Ill. Reg. 11676)

10) Has JCAR issued a Statement of Objections to these rules?  
No

11) Differences between proposal and final version: The following changes have been made in response to comments received from Mimi Griffiths of the Administrative Code division of the Office of the Secretary of State.

- The heading "Infants under age one who do not qualify as Mandatory Categorically Needy" was added to Section 120.11(b).

- In Section 120.11(b)(2) the word "rule" is changed to "subsection".



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- In Section 120.11(b)(5) the word "rule" is changed to "subsection".
- In Sections 120.60 and 120.64 line 1 the word "rules" is changed to "subsections".
- In Section 120.60(c)(2) the word "rules" is deleted and the word "subsections" is added.
- In Section 120.60(d)(3)(B) the three numbered phrases, (i), (ii) and (iii) are indented appropriately.
- In Section 120.64(c) the Agency Note is indented an additional one-half (1/2) inch.

The following changes were made in response to an agreement arrived at between staff of the Joint Committee on Administrative Rules and the Department.

- Substituted "until" for "if" in line 1 of Section 120.11(b)(2)(B) and Section 120.11(b)(2)(C).
- Substituted "Section 120.11(a)(1)" for "subsection (a)(1)" above in lines 8 and 9 of Section 120.64(b).
- Added "until" at the beginning of Section 120.64(c)(2) and Section 120.64(c)(3).
- Added "(see 89 Ill. Adm. Code 140.3)" to the end of Section 120.64(d).
- Redrafted the last sentence in Section 120.64(e) to read: "If changes in income or family composition occur which would make the client ineligible for MANG(P), appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance."
- Changed "infant/s" to "infant(s)" in line 6 of Section 120.11(b)(3).
- Added a comma after "bonds" in line 3 of Section 120.381(c)(2).

The following changes were also made to this rulemaking.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- The heading, "Pregnant women who do not qualify as Mandatory Categorically Related", was added to 120.11(a).
- In Subsection 120.11(a)(1) the language "who do not qualify as mandatory categorically needy (Subsections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act)" is added after, "of any age".
- In Subsection 120.11(a)(3) the language starting in the third line after "subsection (a)(1) above" to the end of the subsection is deleted so that the subsection now reads:
  - 3) When a pregnant woman is determined eligible for medical assistance under (a)(1) above, income changes occurring after the eligibility determination are not considered through the 60 day postpartum period following the last day of pregnancy.
- In Subsection 120.11(b)(1) the language "who do not qualify as mandatory categorically needy (Subsection 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act)" is added after the phrase "under age one (1) year".
- In Subsection 120.11(b)(5) the last sentence, "If an application is later approved for financial assistance, the infant is ineligible for medical assistance under this subsection", is removed and becomes new Subsection 120.11(b)(4)(D).
- In Subsection 120.31(b) the following language, "who do not qualify as mandatory categorically needy (Subsections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act)", is added after the phrase "under age one (1) year".
- A new section 120.31(f) is added to the following effect:
  - f) When financial eligibility for MANG(P) is being determined for a pregnant woman who meets the requirements for

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

MANG(P), income is considered in the following manner:

- 1) Income is considered for the month of application. When eligibility exists for the month of application, MANG(P) coverage is authorized beginning with the month of application. Income changes occurring after the month of application are not considered through the 60 day period following the last day of pregnancy.
- 2) Income is considered for the month following the month of application when the pregnant woman is income ineligible for the month of application. If eligibility exists for the month following the month of application, MANG(P) coverage is authorized beginning with the month following the month of application. Income changes occurring after the month following the month of application are not considered through the 60 day period following the last day of pregnancy.
- 3) When the case is income ineligible for the month of application and the month following the month of application, financial eligibility is determined under Sections 120.10 and 120.60.
- 4) When determining income eligibility for a backdated month (up to three months before the month of application), the case is eligible for medical coverage for each month income is at or below the MANG(P) Income Standard.

- In Subsection 120.64(a)(2) the language "if the client so desires" is added after the phrase "to the month of application,".

- The existing Subsection 120.64(a)(3) is changed to 120.64(a)(4) and a new Subsection 120.64(a)(3) is added to read, "the first day of the month after the month of application, or;".

## ILLINOIS REGISTER

19708  
88

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- In Subsection 120.64(e) the following language is added at the end of the paragraph.

Income changes occurring after a pregnant woman is determined eligible for MANG(P) coverage are not considered through the 60 day post-partum period following the last day of pregnancy.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.10	Amendment	March 4, 1988 (12 Ill. Reg. 4463)
120.40	Amendment	November 4, 1988 (12 Ill. Reg. 17633)
120.60	Amendment	March 4, 1988 (12 Ill. Reg. 4463)
120.80	Amendment	July 8, 1988 (12 Ill. Reg. 11408)
120.382	Amendment	October 7, 1988 (12 Ill. Reg. 15938)

15) Summary and Purpose of Amendments: This rulemaking implements Section 9401 of OBRA 1986. It provides medical coverage for pregnant women (including sixty (60) days postpartum coverage) and children up to age one (1) year when income does not exceed 100% of the federal poverty level and assets do not exceed \$5000.00 regardless of the family size.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of Counseling and Litigation



Address: Illinois Department of Public Aid  
Jesse B. Harris II Building  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

Section	
120.10	Eligibility For Medical Assistance
120.11	Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.20	MANG(AABD) Income Standard
120.30	MANG(C) Income Standard
120.31	MANG(P) Income Standard
120.40	Exceptions To Use Of MANG Income Standard
120.50	AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section	
120.60	All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.61	Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)
120.62	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64	Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section	
120.70	Supplementary Medical Insurance Benefits, Buy-In Program

SUBPART E: RECIPIENT UTILIZATION REVIEW

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS  
TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS  
PART 120  
MEDICAL ASSISTANCE PROGRAMS  
SUBPART B: ASSISTANCE STANDARDS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section  
120.80 Recipient Utilization Review Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.208 Client Cooperation  
120.210 Citizenship  
120.211 Residence  
120.212 Age  
120.215 Relationship  
120.216 Living Arrangement  
120.217 Supplemental Payments  
120.218 Institutional Status  
120.224 Foster Care Program  
120.225 Social Security Numbers  
120.230 Unearned Income  
120.235 Exempt Unearned Income  
120.236 Education Benefits  
120.240 Unearned Income In-Kind  
120.245 Earmarked Income  
120.250 Lump Sum Payments and Income Tax Refunds  
120.255 Protected Income  
120.260 Earned Income  
120.261 Budgeting Earned Income  
120.262 Exempt Earned Income  
120.270 Recognized Employment Expenses  
120.271 Income From Work/Study/Training Program  
120.272 Earned Income From Self-Employment  
120.273 Earned Income From Roomer and Boarder  
120.275 Payments from the Illinois Department of Children and Family Services  
120.276 Assets

120.280 Exempt Assets  
120.281 Asset Disregards  
120.282 Deferral of Consideration of Assets  
120.285 Property Transfers  
120.290 Persons Who May Be Included in the Assistance Unit  
120.295 Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section  
120.308 Client Cooperation  
120.309 Caretaker Relative  
120.310 Citizenship  
120.311 Residence  
120.312 Age  
120.313 Blind  
120.314 Disabled  
120.315 Relationship  
120.316 Living Arrangements  
120.317 Supplemental Payments  
120.318 Institutional Status  
120.319 Assignment of Rights to Medical Support and Collection of Payment

120.320 Cooperation in Establishing Paternity and Obtaining Medical Support  
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause  
120.324 Foster Care Program  
120.325 Social Security Numbers  
120.330 Unearned Income  
120.332 Budgeting Unearned Income  
120.335 Exempt Unearned Income  
120.336 Education Benefits  
120.338 Incentive Allowance  
120.340 Unearned Income In-Kind  
120.342 Court Ordered Child Support Payments of Parent/Step-Parent

120.345 Earmarked Income  
120.350 Lump Sum Payments and Income Tax Refunds  
120.355 Protected Income  
120.360 Earned Income  
120.361 Budgeting Earned Income  
120.362 Exempt Earned Income  
120.364 Earned Income Exemption  
120.366 Exclusion From Earned Income Exemption  
120.370 Recognized Employment Expenses  
120.371 Income From Work/Study/Training Programs  
120.372 Earned Income From Self-Employment  
120.373 Earned Income From Roomer and Boarder  
120.375 Earned Income In Kind  
120.376 Payments from the Illinois Department of Children and Family Services

NOTICE OF ADOPTED AMENDMENTS

effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 6770, effective April 9, 1984; amended at 8 Ill. Reg. 5253, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053,

NOTICE OF ADOPTED AMENDMENTS

Section  
120.380 Assets  
120.381 Exempt Assets  
120.382 Asset Disregard  
120.383 Deferral of Consideration of Assets  
120.385 Property Transfers  
120.390 Persons Who May Be Included In the Assistance Unit  
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year  
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
120.395 Payment Levels for MANG  
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766,



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 3033, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3316, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.11

Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

a) Pregnant Women who do not qualify as Mandatory Categorically Needy

1) Eligibility for medical assistance exists for a pregnant woman of any age who does not qualify as mandatory categorically needy (Subsections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act)

A) who meets the non-financial requirements of the program in Section 120.211;

B) whose countable assets do not exceed the MANG(P) asset disregard amount (see Section 120.382); and

C) whose countable monthly income exceeds the MANG(C) or MANG(AABD) Income Standards (see Sections 120.20 and 120.30) but does not exceed the MANG(P) Income Standard (see Section 120.31).

2) The pregnant woman shall be eligible to receive medical assistance until sixty (60) days following the last day of pregnancy. The sixty (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) days period ends. The sixty (60) days medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under subsection (a)(1) above including pregnant women who are no longer pregnant at the time of application because the woman had a miscarriage or an abortion or signed an adoption agreement.

3) When a pregnant woman is determined eligible for medical assistance under (a)(1) above, income changes occurring after the eligibility determination are not considered through the 60 day postpartum period following the last day of pregnancy.

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Eligibility For Medical Assistance For  
Pregnant Women and Infants Under Age One  
Year Who Do Not Qualify As Mandatory  
Categorically Needy (cont'd.)

Section 120.11

4) If countable assets exceed the MANG(P) asset disregard amount (see Section 120.382) after the case is determined eligible under subsection (a)(1) above, the pregnant woman is ineligible for medical assistance.

b) Infants under age one who do not qualify as Mandatory Categorically Needy

1) Eligibility for medical assistance exists for an infant under age one (1) year who do not qualify as mandatory categorically needy (Subsection 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act

A) who meets the non-financial requirements of the program in Section 120.211;

B) whose countable assets do not exceed the MANG(P) asset disregard amount (see Section 120.382); and

C) whose countable monthly income exceeds the MANG(C) or MANG(AABD) income standards (Sections 120.20 and 120.30) but does not exceed the MANG(P) income standard (see Section 120.31).

2) The infant shall be eligible to receive medical assistance under subsection (b)(1) above

A) only from the date of birth for up to age one (1) year, or;

B) until countable assets exceed the MANG(P) asset disregard amount (see Section 120.382), or;

C) until countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first.

3) When the Department becomes aware of the birth of a child(ren) to a woman determined eligible under

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Eligibility For Medical Assistance For  
Pregnant Women and Infants Under Age One  
Year Who Do Not Qualify As Mandatory  
Categorically Needy (cont'd.)

Section 120.11

subsection (a)(1) above, the child shall be deemed to have applied for medical assistance under subsection (b)(1) above, without written request. The infant(s) shall be eligible to receive medical assistance for the same period of time the mother is receiving medical assistance.

4) When the infant's mother becomes ineligible for medical assistance under subsection (a) above, the infant retains eligibility for medical assistance until

A) up to age one (1) year, or;

B) countable assets exceed the MANG(P) asset disregard amount (see Section 120.382, or;

C) countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first

D) if an application is later approved for financial assistance, the infant is ineligible for medical assistance under this subsection.

5) When an infant is determined eligible for medical assistance under this subsection and there is a change in income which causes countable monthly income to exceed the MANG(P) income standard (see Section 120.31), the infant is ineligible for medical assistance under this subsection. Countable income must then be compared to the MANG(C) or MANG(AABD) income standard (see Section 120.20, 120.30) to determine the spend-down amount, if any.

(Source: Added at 12 Ill. Reg. 19704, effective November 15, 1988)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.31

## MANG(P) Income Standard

Number in Family	Countable Monthly Income	Number in Family	Countable Monthly Income
1	\$481	5	\$1134
2	644	6	1297
3	807	7	1461
4	971	8	1624

a) When the number in the household unit exceeds the number provided above, add \$163 for each additional person. If the household's countable monthly income exceeds the MANG(P) standard, eligibility for MANG(P) does not exist.

b) MANG(P) is available to pregnant women and infants under age one (1) year who do not qualify as mandatory categorically needy (Subsection 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) whose non-exempt countable income exceed the AFDC MANG(C) income standard (Section 120.30) but does not exceed the MANG(P) income standard. The MANG(P) income standard shall exceed the MANG(C) income standard but shall not exceed 100% of the Federal Poverty Level Income Guidelines, as published annually in the Federal Register.

c) MANG(P) is available for a pregnant woman, of any age, who meets the asset standard and countable monthly income for the household does not exceed the MANG(P) income standard. If the pregnant woman is married and her spouse lives with her or if she has dependent children age one or older, her pregnancy does not make her spouse and/or dependent children age one or older eligible for MANG(P). The pregnant woman and her spouse's income are combined and compared to the MANG(P) standard for the number of persons in the family even though only the pregnant woman is eligible to receive MANG(P). An unborn child is counted as a family member.

d) MANG(P) is available for infants up to age one (1) year who meet the MANG(P) asset standard and countable monthly income for the household does not exceed the MANG(P) income standard.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.31

## MANG(P) Income Standard (cont'd.)

e) When financial eligibility for MANG(P) is being determined for an infant under age one (1) year only, the household's income is combined and compared to the MANG(P) income standard for the family size, including unborn children.

f) When financial eligibility for MANG(P) is being determined for a pregnant woman who meets the requirements for MANG(P), income is considered in the following manner:

- 1) Income is considered for the month of application. When eligibility exists for the month of application, MANG(P) coverage is authorized beginning with the month of application. Income changes occurring after the month of application are not considered through the 60 day period following the last day of pregnancy.
- 2) Income is considered for the month following the month of application when the pregnant woman is income ineligible for the month of application. If eligibility exists for the month following the month of application, MANG(P) coverage is authorized beginning with the month following the month of application. Income changes occurring after the month following the month of application are not considered through the 60 day period following the last day of pregnancy.

3) When the case is income ineligible for the month of application and the month following the month of application, financial eligibility is determined under Sections 120.10 and 120.60.

4) When determining income eligibility for a backdated month (up to three months before the month of application), the case is eligible for medical coverage for each month income is at or below the MANG(P) Income Standard.

(Source: Added at 12 Ill. Reg. 19704, effective November 15, 1988)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

The following rules subsections apply to all cases other than those receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Care Facilities, Department of Mental Health and Developmental Disabilities (DMHDD) Facilities, or DMHDD approved community based residential settings under 89 Ill. Adm. Code 140.643 or pregnant women and infants under age one year who do not qualify as mandatory categorically needy.

- a) The eligibility periods for MANG (AABD) and MANG(C) is six (6) months. The eligibility period shall begin with:
  - 1) the first day of the month of application, or
  - 2) the first day of any month prior to the month of application that the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires, or
  - 3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.
- b) The eligibility period for AMI is six (6) months. The eligibility period shall begin with:
  - 1) the first day of the month of application, or
  - 2) the first day of the month prior to the month of application, if the client meets non-financial eligibility requirements and if the client so desires, or
  - 3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.
- c) Eligibility Without Spend-down for MANG (AABD), MANG(C) and AMI

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (cont'd.)

- 1) If the client's nonexempt income (Sections 120.220, 120.227, 120.325, and 120.342) available during the six (6) month eligibility period is equal to or below the applicable MANG or AMI Standard (Sections 120.20 and 120.50), the client is eligible for Medical Assistance from the first day of the eligibility period. Covered services received during the entire eligibility period will be paid for by the Department.
- 2) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for Medical Assistance. If changes in income or family composition occur which would make the client a spend-down case, a spend-down obligation will be determined and the rules subsections in (d) below will apply.
  - 3) For MANG(C) and MANG(AABD), a full redetermination of eligibility will be made every twelve (12) months. For AMI, clients wishing continued Medical Assistance after the six (6) month eligibility period must reapply for Medical Assistance.
  - d) Eligibility with Spend-down for MANG (AABD), MANG(C), and AMI
    - 1) If the client's nonexempt income available during the six (6) month eligibility period is greater than the applicable MANG or AMI Standard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive Medical Assistance. The spend-down obligation is the amount by which the client's nonexempt income available during the eligibility period exceeds the MANG or AMI Standard.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (cont'd.)

- 2) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down obligation.
  - A) Medical expenses shall be applied to the spend-down obligation in chronological order.
  - B) Medical expenses incurred prior to the eligibility period will be considered for purposes of spend-down only to the extent that the client makes payments on them during the eligibility period and only to the extent of the amount of such payments.
- 3) After application for Medical Assistance, the client will be notified in writing of the spend-down obligation. When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for Medical Assistance shall begin effective the first day that the spend-down obligation is met. Covered services received from that date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services provided prior to the time client meets the spend-down obligation.

- A) If one bill for medical expenses incurred on a certain date is more than enough to equal the spend-down obligation, part of the bill will be used to meet the spend-down obligation and the Department will price the bill to determine the Department's liability, if any. The Department shall be liable only if the Department rate is greater than that part of the bill used to meet spend-down and only for the difference between those two amounts.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (cont'd.)

- B) If more than one bill for medical expenses incurred on the same date would be enough to equal or exceed the spend-down obligation, medical expenses shall be applied to the spend-down obligation in the following order:
  - (1) (i) Medicare and other health insurance premiums, deductibles or coinsurance charges;
  - (2) (ii) medical expenses for services recognized under State law but not included in the State plan;
  - (3) (iii) medical expenses for services included in the State plan. Once medical expenses are applied towards the spend-down obligation, the order of application shall not be changed.
- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spend-down until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.

- 4) Prior to the end of the eligibility period, all clients, whether or not the spend-down obligation has been met, shall be notified in writing that the eligibility period will end on a certain date. The client will also be informed by this notice that if he or she wishes continued Medical Assistance, a reaplication must be filed. Upon reaplication, a new eligibility period will be established (assuming non-financial factors of eligibility are met), and, if appropriate, a new



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (cont'd.)

spend-down obligation will be created. If the client files a reapplication prior to four (4) months after the end of the initial eligibility period, the client will be sent through a special, abbreviated intake procedure making use of current case record materials to verify factors of eligibility not subject to change.

5) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for Medical Assistance.

6) If changes in income or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for Medical Assistance shall be made by the Department. The client will be notified in writing of the new spend-down obligation.

A) If income decreases and, as a result, the client has already met the new spend-down obligation, eligibility for Medical Assistance shall be back-dated to the appropriate date.

B) If income increases, and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that he or she will no longer receive a Medical Eligibility Card and eligibility for Medical Assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 12 Ill. Reg. 19704, effective November 15, 1988)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.64

Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

The following subsections apply to MANG(P) cases:

a) A one month eligibility period is used for MANG(P) cases. The eligibility period for a MANG(P) case shall begin with:

- 1) the first day of the month of application, or;
- 2) the first day of any month prior to the month of application if the client so desires up to three months prior to the month of application, or;
- 3) the first day of the month after the month of application, or;
- 4) the first day of a month a MANG(C) pregnant woman and/or infant under age one (1) year meets the requirements of Sections 120.11 and 120.31.

b) The pregnant woman shall be eligible to receive medical assistance until sixty (60) days following the last day of pregnancy. The sixty (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) day period ends. The sixty (60) day medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under Section 120.11(a)(1) above including pregnant women who are no longer pregnant at the time of application because the woman had a miscarriage or an abortion or signed an adoption agreement.

c) An infant shall be eligible to receive medical assistance

- 1) only from the date of birth for up to age one (1) year, or;
- 2) until countable assets exceed the MANG(P) asset disregard amount (see Section 120.382), or;
- 3) until countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.64

Pregnant Women And Infants Under Age One  
Year Who Do Not Qualify As Mandatory  
Categorically Needy (cont'd.)

AGENCY NOTE: An infant is automatically eligible to receive medical assistance for the same period of time the mother is receiving medical assistance.

d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).

e) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for MANG(P). If changes in income or family composition occur which would make the client ineligible for MANG(P), appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes occurring after a pregnant woman is determined eligible for MANG(P) coverage are not considered through the 60 day post-partum period following the last day of pregnancy.

f) MANG(P) cases shall be eligible without a spend-down obligation amount.

g) A review of case eligibility for MANG(C) will be conducted for a pregnant woman and continued MANG(P) eligibility for the infant will be conducted during the second month of the sixty (60) day extended medical coverage period. If eligible, appropriate action shall be taken by the Department. If ineligible, the Department shall notify the client in writing.

h) A review of case eligibility for MANG(C) will be conducted when an infant is eleven (11) months old. If the infant is eligible for MANG(C), appropriate action shall be taken by the Department. If ineligible, written notification shall be provided to the client.

(Source: Added at 12 Ill. Reg. 19704, effective November 15, 1988)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.380 Assets

a) The value of nonexempt assets shall be considered in determining eligibility for MANG.

b) AFDC MANG(C) - Treatment of jointly held assets for AFDC MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 112.150.

c) AABD MANG - Treatment of jointly held assets for AABD MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 113.140.

d) MANG(P) - Treatment of non-exempt jointly held assets (excess equity value of motor vehicle, liquid assets such as cash on hand or in banks and savings institutions, stocks, bonds, savings certificates and other securities) shall be treated in the same manner as described in 89 Ill. Adm. Code 112.150

(Source: Amended at 12 Ill. Reg. 19704, effective November 15, 1988)

## Section 120.381 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for MANG(C).

- 1) A home which is the usual residence of the assistance unit.
- 2) Clothing, personal effects and household furnishings.
- 3) One automobile if the equity value does not exceed \$1500.
- 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.)
- 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended, and the special food service program for child under the National School Lunch Act, as amended.



## NOTICE OF ADOPTED AMENDMENTS

## Section 120.381 Exempt Assets (cont'd)

- 7) Donations or benefits from fund raisers held for a seriously ill client providing the client or responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

- b) AABD MANG-Assets exempt from consideration for AABD MANG shall be the same as those listed in 89 Ill. Adm. Code 113.141.

- c) The following assets are exempt from consideration in determining eligibility for MANG(P)

- 1) one motor vehicle if the equity value does not exceed \$6,000. The excess equity value is applied toward the asset disregard.
- 2) All other assets except for liquid assets such as cash on hand or in banks and savings institutions, stocks, bonds, savings certificates and other securities.

(Source: Amended at 12 Ill. Reg. 19704, effective November 15, 1988)

## Section 120.382 Asset Disregard

In addition to the exempt assets listed in Section 120.381, the cash value of assets shall be disregarded as follows:

## a) MANG (AABD)

- 1) \$1,900.00 for a client and \$2,850.00 for a client and one dependent residing together.
- 2) \$50.00 for each additional dependent residing in the same household.
- 3) Eligibility for MANG does not exist when non-exempt assets exceed the above disregard.

## b) MANG(C)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.382 Asset Disregard (cont'd.)

- 1) \$1,900.00 for a one person assistance unit and \$2,850.00 for a two-person assistance unit.
- 2) \$50.00 for each additional member of the assistance unit.

- c) MANG(P) -- \$5000 regardless of the family size.

(Source: Amended at 12 Ill. Reg. 19704, effective November 15, 1988)

## Section 120.390 Persons Who May Be Included In the Assistance Unit

## a) MANG(C)

- 1) The assistance unit must include at least one eligible child or only an adult(s) caretaker relative whose eligibility is based on a child who is otherwise eligible except the child receives SSI. No more than two of the following individuals may also be included:

## A) The caretaker relative

- B) The spouse of the caretaker relative may be included only if the caretaker relative is a parent of one of the children, and only if the spouse lives in the home.

- C) The needy relative other than caretaker relative whose presence is essential in the home to provide care for the eligible children.

- 2) The eligibility of a child in a Assistance unit depends on that child's lack of parental support or care. All eligible dependent children and stepchildren in a family unit shall be included in a single case, except in two-parent households where there are children of differing percentage, some of whom lack parental support or care because of the unemployment of a parent. In such a circumstance two separate assistance cases shall be established: one for both adults and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 120.390 Persons Who May Be Included In the Assistance Unit (cont'd.)

children whose eligibility derives from their parents unemployment and one for the remaining children. The provisions of this rule shall not affect the right of a child who is a parent to receive assistance in a separate case as a caretaker relative for his/her dependent child.

b) MANG(AABD)

The eligible person only shall be included in the assistance unit.

c) MANG(P)

The assistance unit shall only include pregnant women and infants under age one year who meet the eligibility requirements of Section 120.11.

(Source: Amended at 12 Ill. Reg. 19704, effective November 15, 1988)

Section 120.391

Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year

a) Individuals Under Age 18

a) 1) Medical assistance shall be provided to individuals under age eighteen (18) who do not qualify for AFDC under the definition of dependent child as defined in 89 Ill. Adm. Code 101.20 and 112.61 through 112.64. However, such individuals must meet the eligibility requirements and other provisions of 89 Ill. Adm. Code 112.10, 112.20, Part 112: Subpart C.

b) 2) If non-exempt countable income (see Sections 120.360 thru 120.375) is equal to or less than the appropriate MANG (AFDC) standard, (see Section 120.30) the individual is eligible for payment of his/her allowable medical care costs (see 89 Ill. Adm. Code 140.3).

e) 3) Persons whose income exceeds the appropriate MANG

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year (cont'd)

(AFDC) standard are eligible for medical assistance each month incurred or paid medical care costs equal the amount of excess non-exempt income over the standard. When income exceeds the MANG (AFDC) standard, eligibility begins on the day in the month incurred or paid medical care costs equals excess monthly income. Eligibility ends on the last day of the same month.

b) Infants Under Age One Year

Medical assistance shall be provided to infants under age one (1) year who do not qualify as mandatory categorically needy (Sections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) and meet the eligibility requirements of Sections 120.11, 120.31, 120.64.

(Source: Amended at 12 Ill. Reg. 19704, effective November 15, 1988)

Section 120.392

Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

a) Pregnant women who would not be eligible for AFDC/AFDC-MANG if the child were already born

a) 1) Medical assistance shall be provided to women of any age who are pregnant and meet the asset standards (see Sections 120.380 thru 120.382) of the AFDC medical assistance program and who would not be eligible for AFDC if the child were already born because:

1) A) the father is not absent, and

2) B) neither parent is incapacitated (see 89 Ill. Adm. Code 112.62) and the principal wage earner does not meet the Department's



Section 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy (cont'd)

b+ 1+2) Medical assistance for up to sixty (60) days following the last day of pregnancy.

A) Medical assistance shall be provided for the woman and newborn child for up to sixty (60) days following the last day of the pregnancy. The sixty (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) day period ends.

2+ B) In order for a pregnant woman to qualify for the extended sixty (60) day medical coverage, an AFDC MANG application must have been filed prior to the date the pregnancy ended.

b) Pregnant women who do not qualify as mandatory categorically needy

1) Medical assistance shall be provided to women of any age who do not qualify as mandatory categorically needy (Sections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) and meet the eligibility requirements of Sections 120.11, 120.31 and 120.64).

2) Medical assistance shall be provided for the woman and newborn child(ren) for up to sixty (60) days following the last day of the pregnancy. The sixty (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) day period ends.

(Source: Amended at 12 Ill. Reg.19704, effective November 15, 1988)

1) The Heading of the Part: MEDICAL PAYMENT  
2) Code Citation: 89 Ill. Adm. Code 140  
3) Section Numbers: Adopted Action:  
140.2 Amendment  
140.3 Amendment  
140.7 Amendment  
140.9 Amendment

4) Statutory Authority: Sections 5-2, 5-5, 5-5.1 through 5-5.8 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2, 5-5, 5-5.1 through 5-5.8)

5) Effective Date of Amendments: November 15, 1988

6) Does this rulemaking contain an automatic repeal date?  
Yes X No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 15, 1988

9) Notice of Proposal Published in Illinois Register:

July 15, 1988 (12 Ill. Reg. 11701)

10) Has JCARR issued a Statement of Objections to these rules?  
No

11) Differences between proposal and final version:

The following changes were made in response to comments received from Mimi Griffiths of the Administrative Code Division of the Office of the Secretary of State:

- In Section 140.2(g) the words "Section 140.2(f)" were replaced with "subsection (f)".
- In Section 140.3 the Agency note was re-indented to the text level of the subsection.
- In Section 140.7(a)(1) the Code citation was changed to "89 Ill. Adm. Code 112.10, 112.20, 112.Subparts C and D, . . ."

## ILLINOIS REGISTER

88

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- In Section 140.7(b) the word "Sections" was changed to "89 Ill. Adm. Code".
- In Section 140.9(b) the word "Section" was changed to "89 Ill. Adm. Code" in line 5.
- Appropriate Subparts were placed within the text of the rulemaking.

The following changes were made in response to an agreement made with the Joint Committee on Administrative Rules:

- A "J" was added after the word "Act" in line 4 of Section 140.9(b)(1)
- The word "sixth" was changed to "sixty" in line 4 of Section 140.9(b)(2).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an Emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.19	Amendment	August 12, 1988 (12 Ill. Reg. 12976)
140.100	Amendment	October 14, 1988 (12 Ill. Reg. 16738)
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.350	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.362	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.363	Amendment	April 1, 1988 (12 Ill. Reg. 5958)

## ILLINOIS REGISTER

19736  
88

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.364	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.367	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.369	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.370	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.372	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.373	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.376	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.390	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.392	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.394	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.400	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.441	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.443	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.445	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.447	Amendment	October 28, 1988 (12 Ill. Reg. 17172)



Section Numbers	Proposed Action	Illinois Register Citation
140.512	Amendment	July 22, 1988 (12 Ill. Reg. 11995)
140.525	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.642	Amendment	November 18, 1988 (12 Ill. Reg. 17543)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

15) Summary and Purpose of Amendments: This rulemaking implements Section 9401 of OBRA 1986. The Department may now pay participating providers for medical care provided to poor pregnant women and infants who meet MANG(P) eligibility requirements.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams  
Illinois Department of Public Aid

Address: Office of Counseling and Litigation  
Jessie B. Harris Building II  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

140.1

140.2

140.3

Incorporation By Reference

Medical Assistance Programs

Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, and Individuals Under Age 18 Not Eligible for AFDC, and Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.4

140.5 Covered Medical Services Under GA and AMI

140.6 Medical Services Not Covered

140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year

140.8 Medical Assistance For Qualified Severely Impaired Individuals

140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

140.11 Enrollment Conditions for Medical Providers

140.12 Participation Requirements for Medical Providers

140.13 Definitions

140.14 Denial of Application to Participate in the Medical Assistance Program

140.15 Recovery of Money

140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section	
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Update (Recodified)

## SUBPART C: HOSPITAL SERVICES

Section	
140.94	Hospital Services
140.95	Participation
140.96	General Requirements
140.97	Special Requirements
140.98	Covered Hospital Services
140.99	Hospital Services Not Covered
140.100	Limitation On Hospital Services
140.101	Transplants
140.102	Heart Transplants
140.103	Liver Transplants
140.104	Bone Marrow Transplants
140.116	Payment for Inpatient Services for GA
140.117	Hospital Outpatient and Clinic Services
140.200	Payment for Hospital Services During Fiscal Year 1982
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983
140.203	Limits on Length of Stay by Diagnosis
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
140.350	Copayments

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section	
140.360	Payment Methodology
140.361	Non-Participating Hospitals
140.362	Pre July 1, 1984 Services
140.363	Post July 1, 1984 Services
140.364	Utilization Allocation
140.365	Base Year Costs
140.366	Restructuring Adjustment
140.367	Inflation Adjustment
140.368	Volume Adjustment (Repealed)
140.369	Groupings
140.370	Rate Calculation
140.371	Payment
140.372	Review Procedure
140.373	Utilization
140.374	Alternatives
140.375	Exemptions
140.376	Utilization, Case-Mix and Discretionary Funds
140.390	Subacute Alcoholism and Substance Abuse Services
140.391	Definitions
140.392	Types of Subacute Alcoholism and Substance Abuse Services
140.394	Payment for Subacute Alcoholism and Substance Abuse Services
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.398	Hearings

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Eye Care Services and Materials
140.417	Limitations on Eye Care
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services



Section	Requirement for Prescriptions and Dispensing of
140.427	Pharmacy Items - Podiatry
	Chiropractic Services
140.428	Limitations on Chiropractic Services
140.429	Independent Laboratory Services
140.430	Services Not Covered by Independent Laboratory
140.431	Limitations on Independent Laboratory Services
140.432	Payment for Laboratory Services
140.433	Record Requirements for Independent Laboratories
140.434	Pharmacy Services
140.440	Pharmacy Services Not Covered
140.441	Prior Approval of Prescriptions
140.442	Filling of Prescriptions
140.443	Compounded Prescriptions
140.444	Prescription Items (Not Compounded)
140.445	Over-the-Counter Items
140.446	Acquisition Cost
140.447	Returned Pharmacy Items
140.448	Payment of Pharmacy Items
140.449	Record Requirements for Pharmacies
140.450	Clinic Services
140.460	Clinics Participation Requirements
140.461	Covered Services in Clinics
140.462	Encounter Rate Clinics
140.463	Psychiatric Clinics (Hospital-based)
140.464	Speech and Hearing Clinics
140.465	Rural Health Clinics
140.466	Independent Clinics
140.467	Hospice (Emergency Expired)
140.469	Home Health Services
140.470	Home Health Covered Services
140.471	Types of Home Health Services
140.472	Prior Approval for Home Health Services
140.473	Payment for Home Health Services
140.474	Medical Equipment, Supplies and Prosthetic Devices
140.475	Medical Equipment, Supplies and Prosthetic Devices for
140.476	Medical Equipment, Supplies and Prosthetic Devices for
	Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic
	Devices
140.478	Prior Approval for Medical Equipment, Supplies and
	Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic
	Devices
140.482	Family Planning Services

Section	
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichesk Services
140.486	Limitations on Medichesk Services
140.487	Payment on Medichesk Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
	SUBPART E: GROUP CARE
Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	General Administration Costs
140.533	Ownership Costs
140.534	Costs for Interest, Taxes and Rent
140.535	Organization and Pre-Operating Costs
140.536	Payments to Related Organizations
140.537	Special Costs
140.538	Nurse's Aide Training
140.539	Costs Associated With Nursing Home Care Reform Act and
140.540	Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Nursing Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Pre-Screening Assessment
140.643	In-Home Care Program

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	Medical and In-Home Care For Disabled Persons 18 Years
140.645	Old or Younger
140.646	Reimbursement for Day Programming for the Mentally
140.647	Retarded Who Reside in Long Term Care Facilities
140.648	Description of Day Programming Service Levels
140.648	Determination of the Amount of Reimbursement for Day
140.649	Programming for the Mentally Retarded
140.650	Effective Dates of Reimbursement for Day Programs
140.651	Certification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND  
SNF/PED FACILITIES

Section	Facility/Client Participation
140.850	Evaluation of Need for Care
140.855	Payment
140.860	Definition
140.865	Guidelines
140.870	Intermediate Care (ICF)
140.875	Skilled Care (SNF)
140.880	Statewide Rates
140.885	Reimbursement for ICF/MR-15 and Under Facilities
140.890	Night Shift Reimbursement
140.895	

SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC  
FACILITIES

Section	Reimbursement For Nursing Costs For Geriatric
140.900	Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)



III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235,

III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235,

Section  
140.910 Referrals (Recodified)  
140.911 Basic Rehabilitation Aide Training Program (Recodified)  
140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
140.942 Definition of Terms (Recodified)  
140.944 Notification of Negotiations (Recodified)  
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
140.948 Negotiation Procedures (Recodified)  
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)

140.952 Closing an ICARE Area (Recodified)  
140.954 Administrative Review (Recodified)  
140.956 Payments to Contracting Hospitals (Recodified)  
140.958 Admitting and Clinical Privileges (Recodified)  
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
140.964 Contract Monitoring (Recodified)  
140.966 Transfer of Recipients (Recodified)  
140.968 Validity of Contracts (Recodified)  
140.970 Termination of ICARE Contracts (Recodified)  
140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A Medichex Recommended Screening Procedures  
TABLE B Health Service Areas  
TABLE C Capital Cost Areas  
TABLE D Schedule of Dental Procedures  
TABLE E Time Limits for Processing of Prior Approval Requests  
TABLE F Podiatry Service Schedule  
TABLE G Travel Distance Standards  
TABLE H Staff Time and Allocation by Need Level (Recodified)  
TABLE I Staff Time and Allocation for Training Programs (Recodified)  
TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles

effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295,

effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960 effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: GENERAL PROVISIONS

Section 140.2 Medical Assistance Programs

- a) Under the Medical Assistance Programs, the Department pays participating providers for necessary medical services, specified in Section 140.3 through 140.7 for:
- 1) persons eligible for financial assistance under the Department's Aid to the Aged, Blind or Disabled-State Supplemental Payment (AABD-SSP) and Aid to Families with Dependent Children (AFDC) programs (Medicaid - MAG);
  - 2) persons who would be eligible for financial assistance but who have resources in excess of the Department's eligibility standards who have incurred medical expenses greater than the difference between their income and the Department's standards (Medicaid - MANG);



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.2 Medical Assistance Programs (Cont'd.)

- 3) persons receiving financial assistance under the Department's General Assistance (GA) program (GA-Medical);
- 4) persons not eligible for financial assistance who have insufficient resources to meet the costs of necessary medical care Aid Medically Indigent (AMI); when the care is not available without charge or covered by health insurance;
- 5) individuals under age 18 who do not qualify for AFDC/AFDC-MANG and infants under age one (1) year (see Section 140.7);
- 6) pregnant women who would not be eligible for AFDC/AFDC-MANG if the child were born and who do not qualify as mandatory categorically needy (see Section 140.9);
- 7) persons who are eligible for Title IV-E adoption assistance/foster care assistance from another State and who are living in Illinois.
- b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.
- c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.
- d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.2 Medical Assistance Programs (cont'd.)

- e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policy for recipients not entitled to Medicare benefits.
- f) The Department may contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services provided during that visit) or per discharge basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be based either on formally solicited competitive bid proposals or individually negotiated rates with providers willing to enter into special contractual arrangements with the State.
- g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection 140.2(f). The categories of recipients who may choose or be assigned to an alternative plan will be specified in the contract. Recipients required to make such a choice will be notified in writing by the Department. If a recipient does not choose to exercise his/her freedom of choice, the Department may assign that recipient to a prepaid plan. Under such a plan, recipients would obtain certain medical services or supplies from a single source or limited source. Recipients enrolled in a prepaid plan may disenroll. If a recipient is assigned to a prepaid plan he/she will be permitted to revoke that assignment at any time. The Department will notify recipients in writing if they are assigned to a prepaid plan. Recipients enrolled in or assigned to a prepaid plan will receive written notification

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.2

## Medical Assistance Programs (cont'd.)

advising them of the services which they will receive from the plan. Covered services not provided by the plan will be reimbursed by the Department on a fee for service basis. Recipients will receive a medical eligibility card which will apply to such services.

The recipient shall notify the contractor and execute a disenrollment form if he/she wants to disenroll or revoke the assignment.

(Source: Amended 12 Ill. Reg. 19734, effective November 15, 1988)

## Section 140.3

Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, and Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

The following medical services shall be covered for:

recipients of financial assistance under the Department's AABD (Aid to the Aged, Blind or Disabled), AFDC (Aid to Families with Dependent Children), or Refugee/Entrant/Repatriate programs; recipients of medical assistance only under the AABD program (AABD-MANG) and recipients of medical assistance only under the AFDC program (AFDC-MANG).

- a) Inpatient hospital services;
- b) Hospital outpatient and clinic services;
- c) Hospital emergency room visits;\*\*
- d) Encounter rate clinic visits;
- e) Physician services;
- f) Pharmacy services;
- g) Home health agency visits;
- h) Laboratory/x-ray services;

## Section 140.3

Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, and Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (cont'd.)

- i) Group care services;
- j) Family planning services and supplies;
- k) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
- l) Transportation to secure medical services;
- m) Medichex (EPSDT) services.
- n) Dental services;
- o) Chiropractic services;
- p) Podiatric services;
- q) Optical services/supplies;
- r) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 - 140.396;
- s) Hospice.

\*\*AGENCY NOTE: The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.

(Source: Amended at 12 Ill. Reg. 19734, effective November 15, 1988)

## Section 140.7

Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year

- a) Individuals Under Age Eighteen (18)



DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year (Cont'd.)

Section 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

a) 1) Medical assistance shall be provided to individuals under the age of eighteen who do not qualify for AFDC under the definition of dependent child as defined in 89 Ill. Adm. Code 101.20 and 112.60 through 112.64. However, such individuals must meet the eligibility requirements and other provisions of 89 Ill. Adm. Code 112.10, 112.20, Part 112. Subparts C and D, 112.303, 112.304 and 112.307 through 112.309.

b) 2) If non-exempt countable income is equal to or less than the appropriate MANG (AFDC) standard the individual is eligible for payment of his/her allowable medical care costs.

c) 3) persons whose income exceeds the appropriate MANG (AFDC) standard are eligible for medical assistance each month incurred or paid medical care costs equals the amount of excess non-exempt income over the standard. When income exceeds the MANG (AFDC) standard, eligibility begins on the day in the month incurred or paid medical care costs equals excess monthly income. Eligibility ends on the last day of the same month.

b) Infants Under Age One (1) Year  
Medical assistance shall be provided to infants under age one (1) year who do not qualify as mandatory categorically needy (Sections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) and meet the eligibility requirements of 89 Ill. Adm. Code 120.11, 120.31, 120.64.

(Source: Amended at 12 Ill. Reg. 19734, effective November 15, 1988)

a) Pregnant Women Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born

a) 1) Medical assistance will be provided to applicants of any age who are pregnant and meet the asset standards of the AFDC medical assistance program and who would not be eligible for AFDC if the child were already born because:

1) A) the father is not absent, and

2) B) neither parent is incapacitated and the principal wage earner does not meet the Department's definition of unemployment (see 89 Ill. Adm. Code 112.64).

b) 1) 2) Medical Assistance for up to sixty (60) days following the last day of pregnancy

A) Medical assistance shall be provided for the woman and newborn child for 60 days following the last day of the pregnancy. The sixty (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) day period ends.

2) B) In order for a pregnant woman to qualify for the extended sixty (60) day medical coverage, an AFDC MANG application must have been filed prior to the date the pregnancy ended.

b) Pregnant Women Who Do Not Qualify As Mandatory Categorically Needy

1) Medical assistance shall be provided to women of any age who do not qualify as mandatory categorically needy (Sections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) and meet the eligibility requirements of 89 Ill. Adm. Code 120.11, 120.31 and 120.64.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy (cont'd.)

- 2) Medical Assistance shall be provided for the woman and newborn child(ren) for up to sixty (60) days following the last day of the pregnancy. The sixth (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) day period ends.

(Source: Amended at 12 Ill. Reg. 19734, effective November 15, 1988)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Commercial Driver Training Schools  
2) Code Citation: 92 Ill. Adm. Code 1060

<u>Section Numbers</u>	<u>Adopted Action</u>
1060.5	New Section
1060.10	Amendment
1060.20	Amendment
1060.30	Amendment
1060.80	Amendment
1060.90	Amendment
1060.100	Amendment
1060.110	Amendment
1060.140	Amendment
1060.150	Amendment
1060.160	Amendment
1060.230	Amendment

- 4) Statutory Authority: Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-401 et seq.).

- 5) Effective Date of Amendments: November 15, 1988  
6) Does this rulemaking contain an automatic repeal date: Yes ☒ No  
7) Does this amendment contain incorporations by reference? No.  
8) Date Filed in Agency's Principal Office: November 15, 1988  
9) Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 11417 (July 8, 1988).  
10) Has JCAR Issued a Statement of Objections to this Rule? No.  
11) Differences between proposal and final version:

Pursuant to recommendations from the Administrative Code Division of the Office of the Secretary of State several stylistic and typographical changes were made:

In Section 1060.5, the opening sentences were moved so they were 1 inch from the left hand margin. The definitions were moved to the right 1/2 inch. In the definitions of "Branch Office" and "Main Office", "Section 6-401 et seq." was changed to "Article IV".



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

All of the citations to Article IV of the Illinois Driver Licensing Law were deleted after the first time it was used in the definition of "Branch Office".

In the definition of "Sex and Drug Related Offenses", line 19, "Supp." was deleted from the statutory citation.

In Section 1060.10(b), line 8, the date was properly stricken.

In Sections 1060.20(a)(4) and 1060.15(a)(13) capital letter labels were added to the third level indents.

In Section 1060.30(e), the text of the form was moved to the right 1/2 inch.

An apostrophe was added to "drivers license" where appropriate to indicate the possessive.

In Section 1060.150(a)(4), "Illinois Criminal Code" was changed to "Criminal Code of 1961" and the citation was updated to 1987.

Section 1060.160(a)(1)(E) was rewritten as follows: Commercial Driver Training Schools (92 Ill. Adm. Code 1060).

In Section 1060.230, line 6, the comma in the Code citation was changed to a period and the first letter of "Subpart" was capitalized. In the last line of this Section, "92 Ill. Adm. Code 1060.250" was changed to "Section 1060.250".

Pursuant to agreements with the Joint Committee on Administrative Rules, the following changes were made:

Sections 1060.20(a)(4)(B) and 1060.150(a)(13)(B) were deleted and the rest of those subsections were relabeled accordingly.

The following language was added to Section 1060.80(B)(5):

"Each main classroom or branch classroom, shall meet a minimum of 450 watts of natural and/or artificial lighting per 300 square feet of classroom facility. Classrooms larger than 300 square feet shall be required to provide extra illumination to maintain the same level."

In Section 1060.150(a)(1), the following text was added after the phrase "a financial responsibility violation or an unsatisfied judgment violation": as described in 92 Ill. Adm. Code 1040.42.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

An apostrophe was added to the words driver's license wherever necessary to indicate the possessive.

In Section 1060.20(a)(4), subsection labels were placed in the upper case.

The caption of the title in Section 1060.160(a)(1)(E) was changed to "Commercial Driver Training Schools".

The text in Section 1060.30(b) was all underscored starting with "final determination" and ending with "par. 15.10".

The following text was placed after "applicable fees" in Section 1060.150(d): as set out in Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch 95 1/2, par. 6-411).

Section 1060.100 Driver Training School Course of Instruction" was placed in the table of contents.

Citations to Article IV of the Illinois Driver Licensing Law were deleted where unnecessary.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Rule: This rulemaking amends existing commercial driver training school rules. These amendments are designed to bring these rules into compliance with the Administrative Code Division rules and the Joint Committee on Administrative Rules. These amendments clarify

requirements for commercial driver training schools, commercial driver training school instructors, and administrative hearings.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Carolyn M. Taft  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page:

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1060

## COMMERCIAL DRIVER TRAINING SCHOOLS

Section	
1060.5	Definitions
1060.10	Unlicensed Person May Not Operate Driver Training School
1060.20	Licenses
1060.30	Driver Training Schools Names
1060.40	Refund of Application Fees
1060.50	Main Office and Branch Office Facility
1060.60	Restriction of Locations
1060.70	Required Facilities
1060.80	School Classroom Facility
1060.90	Driver Training School Student Instruction Record
1060.100	Driver Training School Course of Instruction
1060.110	Driver Training School Contracts
1060.120	Inspection of School Facilities
1060.130	Display of License
1060.140	Safety Inspection of Driver Training School Motor Vehicles
1060.150	Additional Requirements of Applicants for a Driver Training Instructor's License
1060.160	Examination for Driver Training Instructor
1060.170	Licenses Not Transferable
1060.180	License May Not Be Assigned
1060.190	Surrender of Driver Training School License
1060.200	Temporary Permit
1060.210	Driver Training School Responsibility for Employees
1060.220	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.230	Hearings
1060.240	Commercial Driver Schools Teen Certification
1060.250	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License

**AUTHORITY:** Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-401 et seq.) and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

**SOURCE:** Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 7(e) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1007(e)) and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411) at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988.

## NOTICE OF ADOPTED AMENDMENTS

## Section 1060.5 Definitions

For purposes of this Part, the following definitions shall apply:

"Branch Office" - an office of a Commercial Driver Training School at a distinct location from the main office, but which conducts business under the name and as a part of the School as provided in Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.).

"Commercial Driver Training Unit" - a unit of the Department of Drive Services which oversees the licensing of commercial driving school and the instructors in commercial driver training schools.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Instruction Record" - records kept by the instructor to reflect the number of hours a pupil in a Commercial Driver Training School attends behind-the-wheel and classroom instruction as provided in Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

"Main Office" - the primary office of the Commercial Driver Training School which is designed solely for conducting the business of the school as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

"Sex and Drug Related Offenses" - the offenses of criminal sexual assault (Section 12-13 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-13)), aggravated criminal sexual assault (Section 12-14 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-14)), criminal sexual abuse (Section 12-15 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-15)), aggravated criminal sexual abuse (Section 12-16 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-16)), juvenile pimping (Section 11-19.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-19.1)); soliciting for a juvenile prostitute (Section 11-15.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-15.1)), unauthorized manufacture or delivery of a controlled substance which shall include counterfeit drugs (Section 1401 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1401)), sale, delivery or exchange of instruments used for illegal drug use or abuse (Section 22-51 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 22-51)), delivery of a controlled substance which includes counterfeit and look alike substances (Section 1407.1 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1407.1)), manufacture or delivery of cannabis (Section 705 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 705)).



## NOTICE OF ADOPTED AMENDMENTS

Rev. Stat. 1987, ch. 56 1/2, par. 705)), delivery of cannabis (Section 707 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 707)), and the production of the cannabis plant (Section 708 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 708)).

"Short Review Course" - a course offered by Commercial Driver Training Schools to pupils who have previously held or currently hold a valid driver's license and which does not meet the requirement of six (6) hours of classroom instruction and six (6) hours behind-the-wheel instruction.

"Surety Bond" - a written obligation whereby another person assumes liability for another's debts or defaults of obligation.

(Source: Added at 12 Ill. Reg. 19756, effective November 15, 1988 )

## Section 1060.10 Unlicensed Person May Not Operate Driver Training School

a) When an application is submitted for an original driver training school license, or driver training instructor's license, the applicant or applicants shall not conduct any business as a driver training school or act as a driver training instructor until a license is issued by the ~~Secretary of State~~ of ~~Illinois~~ Department.

b) When an application is made for the renewal of an existing driver training school license or driver training instructor's license, the applicant ~~may~~ shall have the authority to continue to conduct business as a driver training school or act as a driver training instructor until the renewal application is granted or denied by the ~~Secretary of State~~ of ~~Illinois~~ Department, provided the renewal application is properly filed with the ~~Secretary of State~~ of ~~Illinois~~ Department no later than December 21st of the current licensed year. Whenever a person, firm, group, association or corporation acquires control, management or assets of any Driver Training School presently licensed by the ~~Secretary of State~~ of ~~Illinois~~ Department, the license of that Driver Training School shall terminate on the date of acquisition. Said School shall not operate or conduct any business as a Driver Training School until the acquiring party has been licensed by the ~~Secretary of State~~ of ~~Illinois~~ Department for that school. The application for said license shall be made in the same manner as an application for an original Driver Training School license; said application may be submitted prior to the acquisition of control, management or assets, provided a letter of intent to acquire control, management or assets accompanies the application. No license shall be issued until the acquiring party has

## NOTICE OF ADOPTED AMENDMENTS

complied with ~~the~~ ~~Secretary of State~~ Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code and all rules provided herein.

(Source: Amended at 12 Ill. Reg. 19756, effective November 15, 1988 )

## Section 1060.20 Licenses

a) The ~~Secretary of State~~ of ~~Illinois~~ Department shall not issue a driver training school license to any person unless:

1) The applicant has at least one motor vehicle registered in the name of the driver training school which has been safety inspected and insurance certified as required herein for use by the school for driver training purposes and driving instruction;

2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the ~~Secretary of State~~ of ~~Illinois~~ Department as a driver training instructor for that school;

3) The physical facilities meet the requirements of Sections 1060.50, 1060.60, 1060.70, and 1060.80 of this Part;

4) The applicant is of good moral character as required pursuant to Section 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the applicant has been convicted of a crime; or,
- B) the age of the applicant at the time any criminal conviction was entered; or,
- C) the length of time that has elapsed since the applicant's last criminal conviction; or,
- D) the relationship of any crime convicted of to the ability to operate a driver training school; or,
- E) any evidence of rehabilitation after a criminal conviction; or,
- F) opinions of community members concerning the applicant.

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the ~~Secretary of State~~ of ~~Illinois~~ Department shall deny the application of any driver

b) No licensed driver training school shall incorporate under its own or another name unless ~~that (10) days prior written notice is given to the Secretary of State prior to the training school's incorporation and the name of the proposed corporation is submitted to the Department of Business Services of the Office of the Secretary of State for approval a final determination of the availability of the name along with the fee required by Section 15.10 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987, ch. 32, par. 15.10).~~



## NOTICE OF ADOPTED AMENDMENTS

continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving thirty (30) days written notice to the Commercial Driver Training Unit of the Department, Chicago, Illinois, and the Surety shall not be liable for any default after such thirty day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

Principal \_\_\_\_\_

Surety \_\_\_\_\_  
By \_\_\_\_\_

Attorney-in-fact \_\_\_\_\_

(Source: Amended at 12 Ill. Reg. 19756, effective November 15, 1988)

## Section 1060.80 School Classroom Facility

- a) The classroom facility shall be equipped with the following: 1) Seating facilities and writing surfaces for not less than 12 students; 2) Charts, maps, diagrams, traffic control devices, or pictures relating to the operation of motor vehicles and traffic laws; 3) Blackboards which are visible from all seating areas; 4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws; and 5) Two fire extinguishers in operable condition as required pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

- b) A driver training school which has an established place of business and a main classroom facility may operate a branch classroom, provided:

## NOTICE OF ADOPTED AMENDMENTS

- 1) The branch classroom meets all requirements of the main classroom facility;
- 2) The branch classroom shall not be more than fifty (50) miles from the main office or five (5) miles from a branch office operated by the driver training school;
- 3) Each main classroom or branch classroom shall have a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility;
- 4) Each main classroom or branch classroom shall have installed a heating and ventilating system of such capacity as required to maintain a minimum room temperature of 68 degrees F during all periods of occupancy;
- 5) Each main classroom, or branch classroom, shall meet a minimum of 450 watts of natural and/or artificial lighting per 300 square feet of classroom facility. Classrooms larger than 300 square feet shall be required to provide extra illumination to maintain the same level.

- c) Upon receipt by the Department of a written request to open a branch classroom or branch office, an authorized representative of the Department shall inspect the branch office or branch classroom, and if it complies with the provisions of the Illinois Vehicle Code Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code and these Rules, the Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

- d) When a branch facility is to be closed, the driver training school shall notify the Department in writing five (5) days prior to the closing date and return the branch facility's license to the Department within five (5) days after the closing.

(Source: Amended at 12 Ill. Reg. 19756, effective November 15, 1988)

## Section 1060.90 Driver Training School Student Instruction Record

- a) All driver training schools licensed by the Department shall maintain a permanent record of instruction given to each student in a form prescribed by the Department in accordance with Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

## NOTICE OF ADOPTED AMENDMENTS

- b) Each driver training school shall furnish the student a duplicate of his or her instruction record when the student completes all of the courses contracted for or otherwise ceases taking instruction at or with the school.
- c) The branch office must maintain a copy of the student's instruction record and any other student records required by the ~~State~~ Department for a minimum period of six (6) months before transferring the records to the Main Office where they shall be kept on file in accordance with Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

(Source: Amended at 12 Ill. Reg. 19756, effective November 15, 1988 )

## Section 1060.100 Driver Training School Course of Instruction

- a) A minimum of six (6) hours of classroom instruction and six (6) hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the ~~State~~ Department, wherein such student states that he has been offered the six (6) hours of classroom instruction and declines the instruction. Such statements shall be kept with the student's instruction records.
- b) No discounts, premiums or other inducements shall be offered or provided to any student who declines the classroom phase of instruction.
- c) Classroom instruction shall be made available at least once each calendar month for students currently enrolled ~~in~~ in the school and shall include instruction in safe driving practices in the operation of motor vehicles.

- d) The minimum of six (6) hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. ~~All~~ Behind-the-wheel instruction must only be given ~~in~~ in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the ~~State~~ Department.

- e) The minimum of six (6) hours of classroom instruction shall ~~be~~ be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be

## NOTICE OF ADOPTED AMENDMENTS

counted as classroom instruction time, provided the student receives at least four (4) hours of lectures or other instruction on safe driving practices.

- f) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.
- g) All driver training schools shall have a licensed instructor available so that the student may receive the proper classroom and behind-the-wheel instruction within a reasonable time after the student has indicated his desire for driving instruction.
- h) ~~When~~ In-car driving lessons, observation lessons, travel time, or any combination thereof, shall not exceed three (3) hours in length for any student in any 24 hour period, excluding time spent at Driver's License Examination Facility for testing purposes. If more than one student is present in the training car, (e.g. one student behind-the-wheel, one observing), the total combined time should not exceed three (3) hours, excluding time spent at Driver's License Examination Facility for testing purposes.
- i) Each driver training school must submit a "Slow Learner Report" on a form prescribed by the ~~State~~ Department showing the name, address, and number of behind-the-wheel or classroom instruction periods taken for every student who has had ~~twelve~~ twenty (20) hours of behind-the-wheel or classroom instruction. A supplementary "Slow Learner Report" must be submitted after each additional ten (10) hours of instruction and a final report must be submitted within five (5) days after any such student completes his instruction.

(Source: Amended at 12 Ill. Reg. 19756, effective November 15, 1988 )

## Section 1060.110 Driver Training School Contracts

- a) All written contracts or agreements between any driver training school and any individual or group for the sale, purchase, barter or exchange of any driving instruction or any classroom instruction, or the preparation of an applicant for examination given by the ~~State~~ Department for a driver's license must contain the following:
- 1) A statement indicating that the student may receive at least six (6) hours of behind-the-wheel instruction, except if the contract is for a short review course;



NOTICE OF ADOPTED AMENDMENTS

- 2) A statement indicating the agreed contract price per hours or lesson, and the terms of payment;
- 3) A statement that the agreement constitutes the entire contract between the school and the student, and no verbal assurances or promises not contained herein shall bind the school or the student;
- 4) A statement concerning whether any additional charge is made for the use of the school vehicle in taking a driving test to obtain a driver's license;
- 5) A statement indicating whether behind-the-wheel instruction is to be in private or on a group basis;
- 6) A statement indicating the specific date and time when instruction is to begin, the hours of instruction and the location of the classroom, and;
- 7) The name and address of the school and the student, and the number and type of all licenses or permits to operate a motor vehicle held by the student.
- b) If a contract or agreement between a driver training school and an individual for the sale, purchase, or ~~exchange~~ of charge for any driving instruction, or the preparation of an applicant for examination given by the ~~Secretary of State~~ Department for a driver's license, is not in writing, the driver training school shall file with the ~~Secretary of State~~ Department a written statement under oath indicating that all of its oral contracts and agreements have been complied, and will comply, with the foregoing requirements. Such statement shall be filed when an application is made for a license to operate a driver training school. A new statement shall also be filed when the school requests the renewal of its license.
- c) The term "No Refund" and such a policy concerning student payments is not permitted in any driver training school contract. A driver training school may use the phrase: "The school will not refund any tuition or part of tuition if the school is capable and willing to perform its part of the contract/."
- d) No driver training school shall include any statement in any of its contracts or advertising to the effect that an Illinois driver's license is guaranteed or that free lessons will be given any student who fails to pass a driver's license test, except statements provided below are permissible:
  - 1) "No additional charge will be made for instruction given to students of this school who fail to pass the driver's license test"; and

NOTICE OF ADOPTED AMENDMENTS

- 2) "Students who fail to pass the test will be given further instruction at no additional charge".
  - e) No driver training school may sell, transfer, assign, exchange, trade or otherwise dispose of any contract or part of a contract, agreement or obligation between any driver training school and any student of ~~the~~, unless the driver training school has obtained the written consent of the student of ~~the~~.
  - f) If any driver training school fails to comply with the provisions of a contract or agreement by or between the driver training school or any of its students of ~~the~~, the driver training school shall refund all monies deposited by the student of ~~the~~ as consideration for performance of the contract or agreement by the school.
- (Source: Amended at 12 Ill. Reg. 19756, effective November 15, 1988)
- Section 1060.140 Safety Inspection of Driver Training School Motor Vehicles
- a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety ~~with~~ of ~~the~~ of ~~the~~ and such evidence of inspection must be delivered to the ~~Secretary of State~~ Department.
  - b) Motor vehicles which have passed safety inspection shall be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.
  - c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the driver training school for driver training instruction or driver training purposes.
  - d) A safety inspection sticker issued by the Secretary of State to the school of any year will be valid for the balance of that calendar year/
  - e) No motor vehicle may be used for driver training unless:

## NOTICE OF ADOPTED AMENDMENTS

- 1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency/ as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;
- 2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency;

- 3) It is equipped with a driver and passenger sideview mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;

4) It is registered in the name of a driver training school licensed by the Secretary of State Department pursuant to Statute and these Rules or is leased by a driver training school and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year, and serial number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;

- 5) It is in safe operating condition;

6) It is listed in the driver training school license application or supplemental application or schedule on file with the Secretary of State Department;

7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;

8) It displays a current and valid safety inspection certificate/sticker.

9) The Secretary of State Department shall not issue an insurance sticker until the school has provided to the Secretary of State Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.

10) The insurance certificate sticker shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 12 Ill. Reg. 19756, effective November 15, 1988)

### Section 1060.150 Additional Requirements of Applicants for a Driver Training Instructor's License

- a) The Secretary of State Department shall not issue a driver training instructor's license;

1) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license. The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a warrant parking/traffic violation, a safety responsibility violation, a financial responsibility violation or an unsatisfied judgment, as described in 92 Ill. Adm. Code 1040.42; or an administrative revocation which has been rescinded;

2) To any person who has been convicted of more than two (2) offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license;

3) To any person who has had more than one (1) conviction of a violation which caused an auto accident within the two (2) year period immediately preceding the date of application for an instructor's license;

4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501), leaving the scene of a fatal accident, pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-401), reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3), reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503), or any sex or drug related offense within 10 years prior to date of application;



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

5) To any person who has failed to pass the written or road test required by the ~~Secretary of State~~ Department for applicants for a driver training instructor's license;

7)6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle, as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. The physician's medical examination form shall contain any history of epilepsy, diabetes, heart disease, respiratory disease, or genital urinary disease. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination;

8)7) To any person who fails to properly ~~make~~ and fully complete an application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license;

9)8) To any person who is not employed or associated with a driver training school licensed by the ~~Secretary of State~~ Department as required pursuant to Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code;

9) To any person who is currently a salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office Policy Manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;

10) To any person who fails to supply a complete set of ~~his~~ fingerprints to the ~~Secretary of State~~ Department as required pursuant to Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;

11) To any person who is not at least 21 years of age and a resident of the State of Illinois;

11)12) To any person who has failed to comply with the provisions of the ~~Illinois Vehicle Code and these Rules~~ pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;

13) To any person who is not of good moral character as required pursuant to Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. In making a determination of good

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

moral character, the Department is not limited to, but may consider the following:

- A) if the person has been convicted of a crime; or,
- B) the age of the person at the time any criminal conviction was entered; or,
- C) the length of time that has elapsed since the person's last criminal conviction; or,
- D) the relationship of any criminal convicted to the ability to teach as a driver training instructor; or,
- E) any evidence of rehabilitation after a criminal conviction; or,
- F) opinions of community members concerning the applicant.

b) If an applicant indicates that he has been convicted of a felony, the applicant shall submit a signed release allowing the ~~Secretary of State~~ Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the ~~Secretary of State~~ Department to determine the fitness of an applicant to be licensed as an instructor.

c) No driver training instructor shall teach a person to operate a vehicle which is classified higher than the classification of such instructor's driver's license. An instructor may hold two classifications; one classification from Classes A, B, C and D, and one classification from Classes L and M. An instructor holding a Class B license may teach students to drive all Class A and B vehicles. An instructor holding a Class C license may teach students to drive all Class A, B and C vehicles. An instructor holding a Class D license may teach students to drive all Class A, B, C and D vehicles. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

d) ~~No driver training instructor shall operate a driver training vehicle unless licensed by the Secretary of State to operate a driver training vehicle.~~

d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, the





## NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers Adopted Action

1030.15

New Section

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b) and Section 6-207 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-207).

5) Effective Date of Amendments: November 15, 1988.

6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: November 15, 1988

9) Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 12010 (July 22, 1988).

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version:

Pursuant to a request from the Administrative Code Division, Office of the Secretary of State, several typographical and stylistic changes were made:

The register headings were moved so that "ILLINOIS REGISTER" is on the solid line and "SECRETARY OF STATE" appears one double-space below the solid line.

In the main source note, the commas following October 3, 1987 and January 13, 1988 were changed to semi-colons.

After the main source note, a reference was made stating that bold face type denotes statutory language.

The indent levels were moved to the right 1/2 inch.

"Section" was changed to "Sections" in subsection (a) and the definitions were alphabetized.

In subsection (b), a citation was added after the statutory language denoted.

## NOTICE OF ADOPTED AMENDMENTS

In subsection (e), the first letters of "Illinois driver licensing law" were capitalized in line 5.

Pursuant to an agreement with the Joint Committee on Administrative Rules, some further changes were made:

The following language was put into distinguishing type at the outset of subsection (b): "Any qualified medical practitioner, commissioned police officer, or member of the judiciary may submit information to either the Department of the Secretary of State relative to the physical condition of a person, including suspected chronic alcoholism or habitual use of narcotics or dangerous drugs, if such condition interferes with the person's ability to operate a motor vehicle safely."

Subsection (c) was revised as follows: The Department shall notify the driver of his or her obligation to appear within (5) five days on a choice of (3) three given dates at a designated driver services facility nearest in location to the city or town of residence which is recorded on the driver's most recent license renewal. There will be a 10 day grace period after the third given date before the Department will cancel the driver's license. If the driver notifies the Department that he or she will be unable to appear on any of the (3) three designated dates, the Department shall issue (3) three more dates on which the driver may appear for re-examination. There will also be a 10 day grace period after the last date given for appearance prior to the Department cancelling the driver's license. If the driver notifies the Department that he or she will not be able to appear during any of the second set of dates, the Department shall notify the driver of a final set of (3) dates which the driver may appear. Once the 10 day grace period expires, the Department will cancel the driver's license. The driver may not request more additional dates in which to appear for re-examination.

Hyphens were added to "reexamination" in the title and definition of cited driver.

Finally, apostrophes were added in "drivers" when necessary.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

14) Are there any other amendments pending on this Part? No.

## NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rule: This rulemaking establishes the criteria used by the Department to compel a person to submit to a driver's license re-examination.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Carolyn M. Taft  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page:

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1030  
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.15	Cite for Re-examination
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Employer Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid Arrangements Other than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Permit
1030.95	Diplomatic and Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104 (b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104).

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill.



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988.

Note: Boldface type denotes statutory language.

## Section 1030.15 Cite for Re-examination

- a) For purposes of this Section, the following definitions shall apply:

"Administrative Error" - any act whereby an employee of the Secretary of State causes information, correctly submitted by the license applicant, to be incorrectly presented on said applicant's driver's license.

"Authorized Secretary of State Employee" - A Secretary of State Driver Services Facility employee or a Secretary of State employee with a supervisory position.

"Cited Driver" - a driver who has been requested by the Secretary of State to appear for re-examination.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Improvement Clinic" - class designed to improve driving skills and required of all holders of a probationary driver's license.

"Driver Services Facility" - facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.

"Driver's License Examination" - examination administered by the Secretary of State which consists of a vision test, written test, and road test, or any given section or sections thereof.

"Good Cause" - examples of dangerous driving or of a physical or mental condition which interferes with safe driving or a situation where a Secretary of State Driver Services Facility employee fails to give a required exam or section thereof.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

"Law Enforcement Official" - police officer, sheriff, judge or state's attorney.

"Secretary of State" - Illinois Secretary of State.

- b) Any qualified medical practitioner, commissioned police officer, or member of the judiciary may submit information to the Department or the Secretary of State relative to the physical condition of a person, including suspected chronic alcoholism or habitual use of narcotics or dangerous drugs, if such condition interferes with the person's ability to operate a motor vehicle safely (Section 506-13 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506-13)). Upon receipt of a written request citing good cause, the Department shall require a driver to submit to a drivers license re-examination. The request must be received from a law enforcement official, a physician, psychiatrist, psychologist or an authorized Secretary of State employee. All written requests shall be confidential and the Secretary of State shall not release such information without a court order.

- c) The Department shall notify the driver of his or her obligation to appear within five (5) days on a choice of three given dates at a designated Driver Services Facility nearest in location to the city or town of residence which is recorded on the driver's most recent license renewal. There will be a 10 day grace period after the third given date before the Department will cancel the driver's license. If the driver notifies the Department that he or she will be unable to appear on any of the three (3) designated dates, the Department shall issue three (3) more dates on which the driver may appear for re-examination. There will also be a 10 day grace period after the last date given for appearance prior to the Department cancelling the driver's license. If the driver notifies the Department that he or she will not be able to appear during any of the second set of dates, the Department shall notify the driver of a final set of three (3) dates in which the driver may appear. Once the 10 day grace period expires, the Department will cancel the driver's license. The driver may not request more additional dates in which to appear for re-examination.

- d) Cited drivers shall be tested on the specific sections of the driver's license examination indicated in the written request for re-examination received from the Department. If no reference to a specific section of the driver's license examination was made by the law enforcement official, physician, psychiatrist, psychologist or an authorized Secretary of State employee, the Department shall administer the cited driver the complete drivers license examination.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

e) Drivers cited for any portion of the examination shall receive only one opportunity to pass the exam. Failure to pass any required portion of the examination shall result in the cancellation of that person's driver's license in accordance with Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201). Failure of the driver cited to appear on any of the three alternative dates indicated on the notice, or during a 10 day grace period which follows the last date, will result in the cancellation of his/her driver's license. A cited driver who passes all administered sections of the driver's license examination shall be deemed to be in compliance with the Department's request, and shall be allowed to retain his/her valid driver's license.

f) Driver's license examinations shall be administered to the cited driver for no fee.

g) In the event of application error, two (2) requests shall be made of the licensee to return to a Driver Services Facility to obtain a corrected license. If the licensee complies, a corrected driver's license shall be issued without a fee. If the licensee fails to comply, he/she shall be cited for re-examination. Failure to appear for re-examination or failure to pass the exam shall result in cancellation of the driver's license.

h) If follow-up vision reports are received indicating a driver's license restriction change, and the licensee has not complied with two (2) written requests to return to a Driver Services Facility to obtain a corrected license, the driver shall be cited. If appearance is made, the licensee shall be issued a corrected driver's license with a fee. If the licensee fails to appear or fails the exam, his/her drivers license shall be cancelled.

i) If a facility errs in not giving a certain section of the drivers license examination and the licensee has not complied with two (2) written requests to return to a Driver Services Facility for re-examination, the driver will be cited for the section of the examination which was previously omitted. If appearance is made and the cited driver passes the administered section of the drivers license examination, he/she shall retain his/her driver's license. If the licensee fails to appear or fails the exam, the driver's license shall be cancelled.

(Source: Added at 12 Ill. Reg. 1977, effective November 15, 1988 )

## ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF REFUSAL TO MODIFY OR WITHDRAW TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1. The Heading of the Part: Administration of the Illinois Public Community College Act
2. Code Citation: 23 Ill. Adm. Code 1501
3. Section Number: 1501.113 Action: Refusal
4. Date Notice of Proposed Rules Published in the Register (if applicable):

July 29, 1988

12 Ill. Reg. 12147

5. Date JCAR Statement of Objection Published in the Register:

October 28, 1988

12 Ill. Reg. 17440

6. Summary of Action Taken by the Agency: The Board acknowledges the Joint Committee's concerns expressed in its objection issued on October 13. The objection, however, concerns a past practice which will not occur subsequent to adoption of the above-referenced rulemaking. The Board, however, respectfully refuses to modify its proposed rulemaking.



JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 7, 1988 through November 11, 1988 and have been scheduled for review by the Committee at its December 15, 1988 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its scheduled December meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JC&R
12/27/88	Department of Revenue, Pull Tabs and Jar Games Act (86 Ill. Adm. Code 432)	9/23/88 12 Ill. Reg. 15027	December 15, 1988
12/27/88	Department of Agriculture, Farmland Preservation Act (8 Ill. Adm. Code 700)	9/23/88 12 Ill. Reg. 14786	December 15, 1988
12/27/88	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	9/23/88 12 Ill. Reg. 14996	December 15, 1988

WHEREAS, winter storms produce more total damage in Illinois than any other form of severe weather; and

WHEREAS, major winter storms strand large numbers of people and bring an interruption of medical, fire, police, mail, power and communications services. They also close schools and businesses, resulting in lost revenues; and

WHEREAS, the holiday season is a period of increased travel, and there is a high probability of severe winter weather; and

WHEREAS, the Illinois Emergency Services and Disaster Agency, the Illinois Department of Energy and Natural Resources, the Weather Service and numerous other state, federal and private agencies are attempting to inform and educate the public on protective measures that should be taken to prepare for the 1988-89 winter season; and

WHEREAS, by taking reasonable precautions, the residents of Illinois can reduce the loss of lives and property, plus decrease the adverse effects of winter on our energy resources and our economy;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 27 - December 3, 1988, as WINTER STORM PREPAREDNESS WEEK in Illinois.

PROCLAMATION  
88-519

WBBM's Wreath Of Hope Days

WHEREAS, founded in 1968 by WBBM Newsradio 78 as a non-profit charitable project, the Wreath of Hope helps brighten the lives of the needy during the holiday season; and

WHEREAS, several agencies that provide direct services to a broad spectrum of the Chicago community have been selected as the 1988 Wreath of Hope beneficiaries. They include: Casa Central, Chicago Youth Centers, Gary Neighborhood Services, Greater Chicago Food Depository, Rehabilitative Systems, Housing Opportunities and Maintenance for the Elderly (H.O.M.E.), Jewish Family and Community Services, Lawrence Hall Youth Services, Little Friends, Inc., and the Ronald McDonald Houses; and

WHEREAS, from November 14-December 24, WBBM will be actively soliciting donations from listeners and corporations, and will be sponsoring several fund-raising promotions;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 14-December 24, 1988, as WBBM'S WREATH OF HOPE DAYS in Illinois, in recognition of the contributions this project has made over the past 20 years to the quality of life for many Chicago area residents.

Issued October 31, 1988. Filed November 14, 1988.

PROCLAMATION  
88-520

CBN/Operation Blessing Day

WHEREAS, hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world; and

WHEREAS, over the past ten years, the Christian Broadcasting Network's "Operation Blessing" has purchased thousands of tons of food for the sole purpose of feeding the hungry people in every corner of the world; and

WHEREAS, during this time, CBN/Operation Blessing has distributed hundreds of thousands of dollars in food, clothing, blankets, furniture and monies for emergency situations in the State of Illinois; and

WHEREAS, CBN/Operation Blessing is an example of how community organizations, agencies, and private businesses can join together with local churches to help meet human needs in the wake of governmental cutbacks, exemplifying the spirit of volunteerism now needed in America; and

WHEREAS, there are some 300 Illinois churches and community organizations that have partnered with CBN/Operation Blessing to mobilize neighborhood response to the needy;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 14, 1988, as CBN/OPERATION BLESSING DAY in Illinois, celebrating the 10th anniversary of the program, and I urge our citizens to commend those involved in Operation Blessing for their contributions to our state.

Issued November 1, 1988. Filed November 14, 1988.



PROCLAMATION  
88-521  
Essence Week

WHEREAS, Essence Communications, Inc., publishers of "Essence" magazine, is sponsoring its second annual Essence Awards gala November 22; and

WHEREAS, these awards are presented to black women who have made important contributions to society or achieved notable accomplishments in life; and

WHEREAS, four of the seven award recipients--Jackie Joyner-Kersey, Bettian Gardner, Dr. Mae Jemison, and Gwendolyn Brooks--are from the State of Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 15-22, 1988, as ESSENCE WEEK in Illinois, recognizing the achievements of these women whose determination and self-belief are models not only for the black community, but for all.

Issued November 7, 1988. Filed November 14, 1988.

PROCLAMATION  
88-522  
Salutes Anthony Vacco

WHEREAS, Anthony Vacco, the President and Mayor of Evergreen Park, is an exemplary public servant; and

WHEREAS, he has held the office of mayor since 1968, and he is also completing a term as President of the Illinois Municipal League; and

WHEREAS, Mr. Vacco is a member of the Council of Governments of Cook County, the Community and Economic Development Committee of the National League of Cities, and has served as president of the C.A.T.S. Southwest Council of Mayors since 1976; and

WHEREAS, in 1984, it was only fitting that the Chamber of Commerce of Evergreen Park recognized Anthony Vacco as "Citizen of the Year." The Italic's Club of Chicago names him "Man of the Year" in 1976, and he was the Sons of Italy's choice for "Man of the Year" in 1985; and

WHEREAS, Mr. Vacco is very active in the support of many fraternal and service organizations and has contributed countless hours for worthwhile causes;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, salute ANTHONY VACCO for his 20 years of service as Mayor of Evergreen Park and commend him for his outstanding contributions to his community, state, and nation.

Issued November 7, 1988. Filed November 14, 1988.

## PROCLAMATION

88-523

American Independence Heritage Month

WHEREAS, the Declaratory Act of 1765 of the British Parliament, which purported to empower it to bind the Colonies with legislation in all cases whatsoever, was tried by Grand Jury in America three times in November 1774, and was found to be unconstitutional in each case; and

WHEREAS, these trials inspired and encouraged other Declarations of Defense of Independence in America, culminating July 4, 1776; and

WHEREAS, the original nation of thirteen states was founded upon such sound principles of government that other peoples joined, making it now fifty states; and

WHEREAS, these initial actions in November 1774 have evolved into many achievements, events and examples for the world to emulate, such as the national election for representative government, Veterans Day (Armistice -- "To make the world safe for Democracy"), and a Day of Thanksgiving as gratitude for the blessings of liberty and a lighthouse of hope for all mankind;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 1988 as AMERICAN INDEPENDENCE HERITAGE MONTH in Illinois and urge all our citizens to observe it with educational significance and gratitude.

Issued November 9, 1988. Filed November 14, 1988.

## PROCLAMATION

88-524

St. Jude/WFYR Day

WHEREAS, St. Jude Children's Research Hospital, a national voluntary health agency located in Nashville, Tennessee, has been in the forefront of the fight against all forms of pediatric cancer for the past 26 years; and

WHEREAS, founded by entertainer Danny Thomas, the hospital admits children without regard to their race, creed, or the ability of the family to pay their expenses; and

WHEREAS, cancer kills more American children than any other disease and is second only to accidents as a cause of death among the young. Unlike accidents, there is no prevention for cancer at this time; and

WHEREAS, on November 21-23, WFYR will sponsor a 50 1/2 hour radiothon to benefit the work of St. Jude Children's Research Hospital. This will help to raise funds needed to support the vital work being done to identify the causes of catastrophic diseases in children; and

WHEREAS, more than 3,200 children are currently being treated at St. Jude, and 440 of these children are from Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 21-23, 1988, as ST. JUDE/WFYR DAY in Illinois, in recognition and appreciation of the invaluable work of the St. Jude Children's Research Hospital. I urge all Illinoisans, during this season of Thanksgiving, to support the radiothon as a way of giving thanks for the tremendous contributions this organization has made to the children of our state and nation.

Issued November 9, 1988. Filed November 14, 1988.



ILLINOIS REGISTER

19793

88

PROCLAMATION  
88-525

Craniofacial Anomalies Day

WHEREAS, one out of every 600 babies in the United States is born with a facial or cranial deformity; and

WHEREAS, people with these disorders, children and adults alike, are forced to deal with difficult and agonizing times, often causing severe depression and adversely affecting their lives; and

WHEREAS, craniofacial anomaly centers have given many of these people surgical help as well as support and reassurance in their self-worth and abilities; and

WHEREAS, the Center for Craniofacial Anomalies at the University of Illinois-Chicago is one of the finest facilities of its kind in the world, having provided the highest standards of research, education, and medical care in this field since its inception in 1949; and

WHEREAS, it is also a not-for-profit organization, and all donations go to help those patients and families who are unable to fully pay for the center's services;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 16, 1988, as CRANIOFACIAL ANOMALIES DAY in Illinois, recognizing the irreplaceable and benevolent services that these facilities and their physicians provide for less fortunate members of society.

Issued November 10, 1988. Filed November 14, 1988.

ILLINOIS REGISTER

19794

88

PROCLAMATION  
88-526

Italian American War Veterans Day

WHEREAS, many Italian-Americans have served the United States of America during wartime since World War I; and

WHEREAS, on the 13th anniversary of Armistice Day in 1931, the first post of the Italian American War Veterans, the Monaco-Carlino post, was formed; and

WHEREAS, the first Illinois post was formed in 1952, and the ITAM War Veterans' Department of Illinois was created in 1971, now boasting numerous posts and auxiliaries; and

WHEREAS, on November 12, the organization will hold a banquet honoring its National Commander, Joseph R. Leoni, and its National President, Angelina Tufano, both of whom are Illinoisans;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 12, 1988, as ITALIAN AMERICAN WAR VETERANS DAY in Illinois, recognizing these peoples' great contributions to our state and country.

Issued November 10, 1988. Filed November 14, 1988.